



**Testimony of
Valerie Bassett, Massachusetts Public Health Association**

**Massachusetts Public Health Council
Proposed Regulations on Competitive School Foods and Beverages
March 28, 2011**

Good morning, and thank you for the opportunity to testify this morning. My name is Valerie Bassett, and I am the Executive Director of the Massachusetts Public Health Association. We also lead the Act FRESH Coalition of 15 local and statewide groups working for healthier food and more opportunities for physical activity in all communities. Better school nutrition is a top priority of the Act FRESH Coalition, and you will be hearing from many Act FRESH members about the importance of strong standards. We will separately submit comments on behalf of the coalition.

First, I want to thank Commissioner Auerbach for his active support over many years for the passage of legislation regarding school nutrition. We are thrilled that after eight years of work by advocates, parents, and policymakers across the state, Governor Patrick signed the bill into law on July 30, 2010! This effort was a true partnership among many individuals and organizations, and we are grateful for the strong involvement of DPH.

These regulations on competitive foods in schools will build upon and support the important work being led by a great many school food service directors around the state who have been working hard to improve healthy options for students for many years. The regulations will ensure that all students have access to healthy foods. Access to healthy foods contributes to long term health, but also to improved concentration, better academic performance, and better behavior.

These regulations will impact one million Massachusetts children every day, so it's vital that we get them right!

We applaud DPH for their work on the proposed regulations. The standards combine common sense with the best science, and we offer our strong support. We believe that the proposed regulations would do more than any other state to ensure Massachusetts school children have the healthiest and safest food options. The proposed standards go a long way to help change the culture of food in our public schools. They ensure the availability of healthy foods like nonfat and lowfat dairy, whole-grains, and fruits and vegetables, while banning trans fat and minimizing foods high in the saturated fat, sugar, refined starches, and sodium that are commonly found in processed food items. If adopted, students in our public schools will have a much better chance of making healthier choices and maintaining a healthy weight.

We are particularly pleased that the proposed standards promote healthy beverage choices for all students. By promoting water, low-fat milk, and 100% fruit juice, and eliminating sugar-sweetened beverages, these standards will have a major impact on reducing children's sugar intake at school and promoting good health for all students. Sugar-sweetened beverages are a significant driver of unhealthy weight.

Furthermore, we are pleased that the proposed standards ensure that nutritional standards will apply to all food sold and provided on school grounds and at school-sponsored events with no exemptions. This is a critical part of the food environment in schools.

We do believe that there are a few areas where the proposed standards could be improved.

First, it is important that we cut down on all unnecessary sugar content. To this end, we would like to see the sugar limits lowered significantly. While DPH recommends a sugar limit of 35% of calories, MPHA recommends that this limit be dropped to 20% of calories or 9g per serving, with an exemption for nutrient-rich yogurt of 20g per serving.

Second, the standards should promote fiber consumption. We recommend including a minimum fiber content for grain-based food items. Grain-based food items should contain a minimum of 2g per serving of dietary fiber and that all foods include at least one gram of fiber per 10 grams of carbohydrates, with the exception of dairy products.

Third, we are happy that the proposed standards promote whole grains, but the standards do not specify the amount. We recommend defining the amount of whole grains required in grain-based items at 50% whole grain by weight.

Fourth, we recommend explicitly mentioning school parties and classroom celebrations in the definitions of places where standards will apply. While it might be assumed from the current language of the proposed standards, additional specificity will make this intention clear.

Lastly, we have previously recommended that several additional food-related policies be included in the standards, including forbidding outside vendors from selling food on school grounds and forbidding street vendors from operating in close vicinity to schools during school hours. I am enclosing a copy of these recommendations with my written testimony for your consideration.

In closing, I once again want to applaud DPH for its work on these standards. When implemented fully across Massachusetts, children and families will have better opportunities for healthy food, good lifelong health, and strong educational achievement. We urge you to hold the line against pressure to water the standards down. One million Massachusetts kids are depending on you.

Thank you.



Action for Public Health

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Ruth Ellen Fitch, *President*

Valerie Bassett, *Executive Director*

September 21, 2010

Commissioner John Auerbach
Department of Public Health
250 Washington Street
Boston, MA 02108

Re: School Nutrition Standards

Dear Commissioner Auerbach:

First, I want to thank you for your active support over many years for the passage of legislation regarding school nutrition. We are thrilled that after eight years of work by advocates, parents, and policymakers across the state, Governor Patrick signed the bill into law on July 30! This effort was a true partnership among many individuals and organizations, and we are grateful for your strong involvement.

We are eager to see regulations established quickly so that implementation can move forward with as little delay as possible. **We urge and challenge the Department to establish the strongest and healthiest standards for competitive foods of any state in the nation.**

These regulations will build upon and support the important work being led by a great many school food service directors around the state who have been working hard to improve healthy options for students for many years. The regulations will ensure that all students have access to healthy foods.

The regulations should require and promote the availability of healthy foods like whole-grains, nonfat and lowfat dairy, and fruits and vegetables, while banning trans fat and minimizing foods high in the saturated fat, sugar, refined starches, and sodium that are commonly found in processed food items. The standards should apply to all foods or beverages sold or provided in public schools with no exceptions.

Furthermore, we believe that competitive food regulations should promote student participation in the National School Breakfast and Lunch programs and limit other foods. These meals are planned to provide students with necessary and balanced nutrient and energy intake throughout the week. Students who consume complete meals will have better nutrient intake and less of a need to eat snacks which may be energy-dense, but low in necessary nutrients.

We are pleased to offer the following recommendations as you craft the regulations. Our recommendations are derived from the science-based evidence put together by other bodies, regulations and legislation adopted in other states, and the advice of scientific advisors.

If I can offer any further information or assistance, please do not hesitate to contact me at 617-524-6696.

Sincerely,

A handwritten signature in black ink, appearing to read 'Val Bassett', written in a cursive style.

Valerie Bassett
Executive Director

cc: Dr. Lauren Smith, Medical Director

1. BEVERAGE STANDARDS

We recommend the following standards for beverages sold in schools.

Water	Per statute, free potable water must be available to students at all times. Includes plain and carbonated water with no added flavors or added sweeteners. If water fountains are not available, water must be available in another form.
100% Juice	<ul style="list-style-type: none">• 100% fruit or vegetable juice or juice blends with no added natural or artificial sweeteners, or juices diluted with water.• Max. portion size: 4 oz. for elementary; 8 oz. for middle/high school.
Milk and Milk Alternatives	<ul style="list-style-type: none">• Unflavored lowfat and nonfat milk with no added sweeteners.• Milk alternatives must meet USDA requirements for milk replacement for school lunch program.• Max. 8 oz. serving size for all grades.
Sweeteners and Caffeine	<ul style="list-style-type: none">• No artificial sweeteners, non-nutritive sweeteners, or sugar alcohols permitted in any beverages.• All beverages are to be caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances.
Other Beverages	<ul style="list-style-type: none">• No other beverages permitted.

2. SNACKS & DESSERTS

These are food items sold throughout the day that are not considered meal items, including but not limited to: chips, crackers, popcorn, rice cakes, hard pretzels, pita chips, snack mix, cereal, trail mix, nuts, seeds, peanut butter and other nut butters, jerky, cookies, cereal bars, granola bars, bakery, frozen desserts, ice cream, cheese, pudding, yogurt and smoothies. These foods are served in vending machines, snack bars, school stores, at-school fundraisers and in classrooms as snacks or celebrations.

Fat	<ul style="list-style-type: none"> Saturated fat may not exceed 20% of calories and 2g saturated fat per portion as packaged. Zero trans fats (≤ 0.5g/serving) per portion as packaged. Nutrient-rich nuts, seeds, and nut butters may exceed these limits if they meet portion sizes as listed below.
Sugar and Sweeteners	<ul style="list-style-type: none"> Total sugar may not exceed 20% of calories and 9g sugar per portion as served. Nutrient-dense yogurt may exceed these limits, but may not exceed 20g of sugar per serving. No artificial sweeteners, non-nutritive sweeteners, or sugar alcohols permitted.
Sodium	Sodium may not exceed 200mg per portion as packaged.
Portion Size	Total calories may not exceed 200 calories per portion as packed.
Fruits & Non-Fried Vegetables	Per statute, fruits and non-fried vegetables must be available at all places competitive foods are sold. This does not include juice, but does include fresh and dried fruits and vegetables and sliced fruits and vegetables packed in juice or water with no added sweeteners.
Whole Grains	Grain-based products must contain a minimum of 50% whole grains by weight.
Fiber	Grain-based food items must contain a minimum of 2g per serving of dietary fiber. All foods must include at least one gram of fiber per 10 grams of carbohydrates, except for dairy products.
Package Size	Individual packages may not contain more than one portion of snack or dessert item.

3. ENTREES

These are food items usually considered main courses or “center-of-the-plate” foods and are not classified as snacks or desserts. Examples include, but are not limited to, pizza, burritos, chicken nuggets, sandwiches, chili or items that would be served as the main component of a National School Breakfast or Lunch Program meal.

MPHA recommends that the only á la carte entrée offered is the same as that offered for the reimbursable meal served that day. This will promote participation in reimbursable meal programs and align student nutritional intake more closely with Dietary Guidelines for Americans.

Á La Carte Entrées	Must be the same entrée served as part of that day’s reimbursable meal program, served in the same portion size, and meet NSBLP standards.
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4. Exemptions

MPHA recommends that the nutrition guidelines allow no exemptions for foods sold or provided during the school day at specific school events, including but not limited to booster sales, concession stands, school sponsored or school related fundraisers and events. It is important that all foods available to students during the school day meet the nutrition guidelines and promote opportunities for healthy eating.

Statute gives DPH discretion in this area. We recommend that DPH not allow exemptions in the following categories:

- No exemptions for using fryolators, or serving fried foods and previously fried foods (foods fried off-site during initial food processing or preparation, then frozen or refrigerated for delivery) at school events during the school day.
- No exemptions for foods sold on school grounds during the school day to raise funds for school events. Funds should be raised either by selling foods that adhere to the above guidelines, or by selling non-food items such as wrapping paper or environmentally-friendly light bulbs, or through events such as “fun runs.”
- No exemptions for classroom celebrations. Birthdays and holidays should be celebrated in classrooms either with foods that meet the above guidelines or through alternative ways that do not include food.

5. Other Recommendations

In addition to the nutritional standards, we recommend several additional items to include in regulation.

Rewards	Forbid the use of foods and beverages as rewards or discipline for academic performance or behavior.
Adequate Time for Meals	Recommend adequate time for students to purchase and eat reimbursable meals at school of at least 25 minutes.
Recess Before Lunch	Recommend recess before lunch time, allowing students to maximize meal time without hurrying to get to recess.
Marketing and Advertising	Recommend that marketing of competitive foods and beverages be minimized by locating the sale of competitive foods and beverages in low student traffic areas. Recommend that the exterior of vending machines do not depict commercial products or logos or suggest that consumption of vended items conveys a health or social benefit.
Outside Vendors	Forbid the sale of food or beverages of any type by third parties to students on school premises, including school grounds, at any time. Forbid street vendors from selling food within 200 yards of a school from one hour prior to when the school is in session through one hour after the school end.