

Oklahoma State Department of Education
Child Nutrition Programs

**FOODS OF MINIMAL NUTRITIONAL VALUE
FACT SHEET**

Definition

The United States Department of Agriculture (USDA) defines foods of minimal nutritional value (FMNV) as those foods which provide **LESS** than 5 percent of the United States Recommended Daily Allowance (USRDA) for each of the eight specified nutrients per 100 calories **AND** less than 5 percent of the USRDA for each of eight specified nutrients per serving. The eight specified nutrients to be evaluated are protein, vitamin A, vitamin C (ascorbic acid), niacin, riboflavin, thiamin, calcium, and iron. In the case of artificially sweetened foods, only the per serving measure would apply.

USDA realizes that states and local school food authorities (SFAs) may find it difficult to apply the 5 percent rule to each food item sold on school premises. Therefore, USDA has established a more practical method to evaluate FMNV. USDA has identified four categories of food items that are considered to be FMNV. States and SFAs must restrict those foods which are included in the four categories of FMNV. (Reference All State Directors' Memo 1980-SNP-52.)

The four categories of FMNV are soda water/carbonated beverages, water ices, chewing gum, and certain candies. The types of food items belonging to each category are defined as follows:

1. **Soda water/carbonated beverages**—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60°F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweetener or discrete nutrients added to the food, such as vitamins, minerals, and protein.
2. **Water ices**—Water ices are the foods prepared from the same ingredients and in the same manner prescribed for sherbets, except that the mix need not be pasteurized and complies with all the provisions as sherbet (including the requirements for label statement of ingredients), except that no milk or milk-derived ingredient, and no egg ingredient other than egg white, is used. Water ices include foods that are artificially or naturally flavored with nonfruit or nonfruit juice flavorings. However, a frozen product with fruit or fruit juice or with milk or milk products is **NOT** classified as a water ice.

Unless the following types of products have an exemption for a specific product, they are considered FMNV:

Frozen, water-based bars—water ices

Frozen coffee/tea drinks—water ices

Partially frozen drinks—water ices

Frozen pickle juice/brine—water ice

Soda water floats—soda water; while these items contain ice cream which is not an FMNV, the main ingredient is soda water

3. **Chewing gum**—Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.
4. **Certain candies**—Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - a. **Hard candies**—A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored; is characterized by a hard, brittle texture; and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after-dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers, and cough drops.
 - b. **Jellies and gums**—A mixture of carbohydrates which are combined to form a stable gelatinous system of jellylike character; are generally flavored and colored; and include gumdrops, jelly beans, jellied and fruit-flavored slices.
 - c. **Marshmallow candies**—An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white, to which flavors and colors may be added.
 - d. **Fondant**—A product consisting of microscopic-sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution such as candy corn or soft mints.
 - e. **Licorice**—A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.
 - f. **Spun candy**—A product that is made from sugar that has been boiled at a high temperature and spun at a high speed in a special machine.
 - g. **Candy-coated popcorn**—Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

Child Nutrition Programs (CNP) Regulations and FMNV

Current USDA regulations prohibit the sale of these FMNV during student meal services (7 CFR §210.11[b]). SFAs must ensure that they are complying with the requirements of FMNV in the following areas:

1. Food service area/meal period (Reference All State Directors' Memo 2001-SP-06.)

The term **food service area** refers to any area on site premises where program meals are either served or eaten. Eating areas that are completely separate from the serving lines are clearly part of the food service area. Furthermore, sites may not design their food service areas in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or in addition to, program meals. Similarly, **during meal periods** includes both the time of serving and the time the student spends eating the meal.

2. Access to FMNV

- a. It is not permissible for a site to serve FMNV during a meal service period in the area where reimbursable meals are served and/or eaten.
- b. SFAs agree to price the reimbursable meal as a unit. Any FMNV provided with a reimbursable meal **at no additional charge** is in fact being **SOLD** as part of the unit if the FMNV is only available when a reimbursable meal is taken. This violates the prohibition against selling FMNV in the food service areas during meal periods. Further, such arrangements violate the unit price provision in the agreement.

Oklahoma Law and FMNV

Effective July 1, 2007

Each district board of education shall ensure that students in elementary schools do not have access to FMNV, except on special occasions.

Each district board of education shall ensure that students in middle and junior high schools do not have access to FMNV except after school, at events which take place in the evening, and on special occasions. The only exception to the minimal nutritional value standard will be diet soda with less than ten calories per bottle or can.

Each district board of education shall ensure that students in high schools are provided healthy food options in addition to any FMNV to which they have access at school. Each district shall provide incentives such as lower prices or other incentives to encourage healthy food choices for high school students.

Child Nutrition Programs Wellness Policy

Effective July 1, 2006

As part of their CNP local wellness policy, SFAs must establish nutrition guidelines/standards that address the types of food items that will be available to students on each school campus during the school day. The term **FMNV** does not include foods such as potato chips, chocolate bars, donuts, snack cakes, and cookies. There are many food items considered to be **junk food** that are not included in the definition of FMNV. SFAs should promote student health and the prevention of childhood obesity by further restricting food items that parents, teachers, students, and the public consider to be **junk food**.