

THE STATE OF FLAVORED MILK IN SCHOOLS

Milk companies across the U.S. are reformulating flavored milk to lower total calories, and decrease added sugars and fat, while preserving its nutritional value and taste appeal.

FLAVORED MILKS IN SCHOOL CAFETERIAS THIS FALL are projected to have:

134 calories

on average, and nearly all flavored milk will have fewer than 150 calories (95%)

Only 31 calories more

than the white milk in school

38% less added sugar

than just five years ago (from 16.7 grams to 10.4 grams)

Just 2.5 teaspoons

of added sugar in each serving (compared to 4 teaspoons just five years ago)

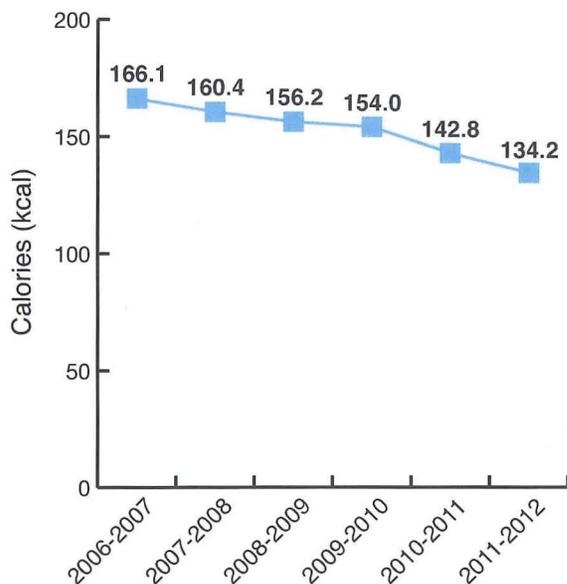
Work continues

to get school milk to 150 calories or less and fewer than 22 grams of total sugar (or 10 grams of added sugar) per 8-ounce serving. Already, the most common flavored milk this fall will beat the goal – fat free chocolate milk with 130 calories and only 10 grams of added sugars.

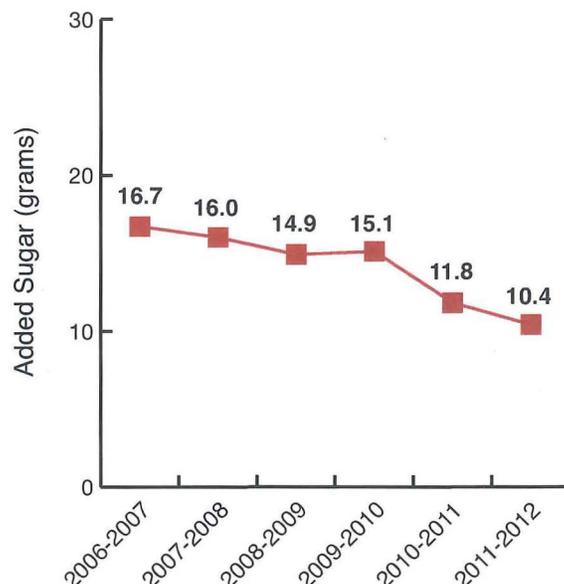
Two-thirds

of milk processors (66%) throughout the country have reformulated new flavored milks for back-to-school.

AVERAGE CALORIES
IN SCHOOL FLAVORED MILK



AVERAGE ADDED SUGARS
IN SCHOOL FLAVORED MILK



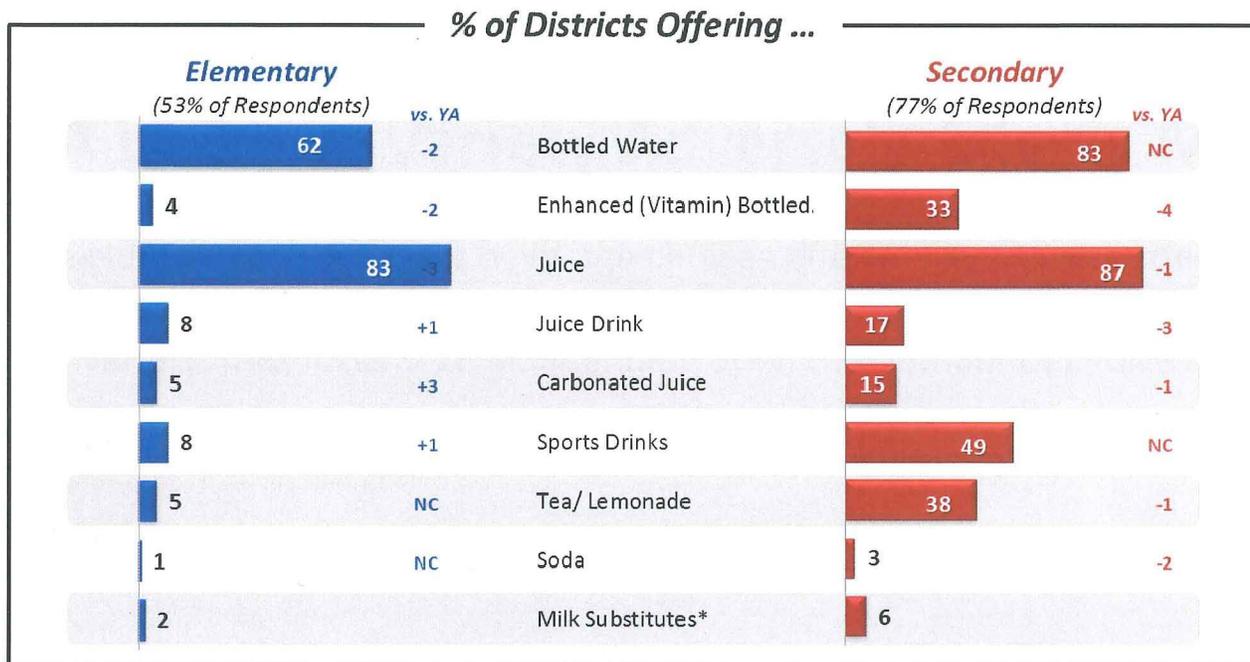
SOURCE | 2011-2012 Projected School Milk Product Profile, MilkPEP School Channel Survey, conducted by Prime Consulting Group. The Annual School Channel Survey is a joint project of the Milk Processor Education Program (MilkPEP), the National Dairy Council and the School Nutrition Association, conducted July, 2011. Responses were received from processors who collectively serve over 51,000, or 53% of all K-12 public schools.

FLAVORED MILK
got milk?
the facts

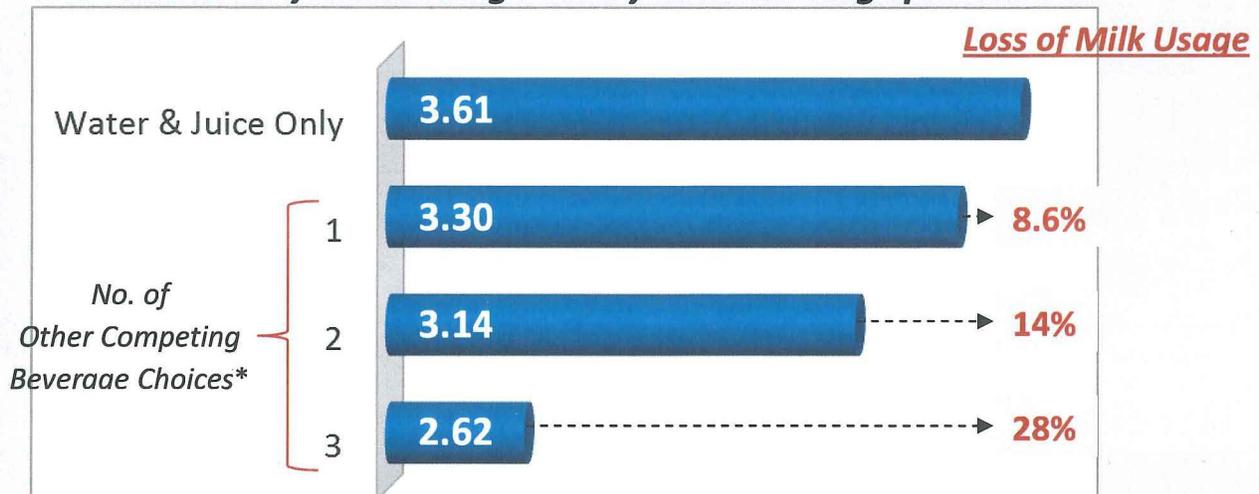
A La Carte Variety Adversely Effects Milk

The Number of competing beverage choices offered has a direct effect on total school milk usage by students. When schools provide more options and variety, milk loses 9-28% depending upon the number of choices made available.

* Competing beverage choices are defined as sports drinks, iced tea/ lemonade, vitamin water and carbonated juice
 Source: 2010-2011 school year – MilkPEP School Channel Survey



Secondary School Avg Weekly Milk Servings per Student



Categories	IOM Tier 1 Foods (All Students)	IOM Tier 2 Foods (High School After School Only)	Healthier US Schools Challenge (HUSC)	National Alliance for Nutrition and Activity (NANA)	Alliance for a Healthier Generation (AHG) ES & MS	Alliance for a Healthier Generation (AHG) HS
Nonfat and Low fat Milk	YES	YES	YES	YES	Yes	YES
Non-Dairy Equivalents Allowed (such as soy or rice milk)	YES	YES	YES	YES	N/A	N/A
Flavored Milk (Nonfat and Low fat)	YES < 22 g total sugar/8 oz	YES < 22 g total sugar/8 oz	YES	YES	YES	YES < 150 calories/8 oz.
Iced Tea	NO	NO	NO	NO	NO	YES if fewer than 99 cal per 12oz max
Lemonade	NO	YES if <5 calories per portion as packaged	N/A	NO	NO	YES if fewer than 99 cal per 12oz max
100% Fruit Juice	YES	YES	YES	YES	NO	YES
100% Fruit Juice with more than 50% added water	NO	NO	NO	YES	NO	YES
Sports Drinks	NO (Sports drinks are not available except when provided by the school for student athletes participating in sport programs involving vigorous activity)	YES if <5 calories per portion as packaged	NO	NO	NO	YES if 10 cal per 8oz unlimited or if fewer than 99 cal per 12oz max
Energy Drinks	NO	NO	NO	NO	NO	YES if fewer than 99 cal per 12 oz max
Diet Cola	NO	NO	NO	NO	NO	YES if fewer than 99 cal per 12oz max
Cola	NO	NO	NO	NO	NO	YES if fewer than 99 cal per 12oz max
Coffee Drinks	NO	NO	NO	NO	NO	YES if fewer than 99 cal per 12oz max
Caffeine (In general)	NO	NO	NO	NO	NO	YES
Carbonated Soft Drinks – Caffeine Free – Diet	NO	YES	NO	NO Only Seltzer w/o added caloric sweeteners	NO	YES if fewer than 99 cal per 12oz max
Flavored Waters With out sweeteners	NO	YES	NO	YES	NO	YES



United States
Department of
Agriculture

Food and
Nutrition
Service

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DATE: April 14, 2011

MEMO CODE: SP_29 - 2011

SUBJECT: Child Nutrition Reauthorization 2010:
Nutrition Requirements for Fluid Milk

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modifies requirements for fluid milk in the National School Lunch Program and School Breakfast Program. The purpose of this memorandum is to provide guidance on the implementation of these modifications.

Section 202 of the Act amends section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(a)(2)(A)) by requiring that a variety of fluid milk be served consistent with the most recent Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons over two years of age consume fat-free or low-fat (1%) fluid milk. To offer milk variety consistent with this recommendation, school food authorities must offer at least two choices from the following: fat-free milk, low-fat (1%) milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose-free milk, fat-free or low-fat buttermilk, and fat-free or low-fat acidified milk. Such products must be pasteurized fluid milk that meets State and local standards, as currently required in 7 CFR 210.10(m)(1)(ii).

The proposed rule, *Nutrition Standards in the National School Lunch and School Breakfast Programs*, published in the Federal Register on January 13, 2011, includes a similar provision that addresses the allowable fat content of milk and also addresses flavored milk. Until an implementing rule goes into effect, plain or flavored low-fat and fat-free milk may be offered to meet the variety requirements described above.

We understand that many contracts are in place and would need to be altered to comply with this requirement. School food authorities should work to comply with this requirement as soon as possible, but not later than the beginning of School Year 2011-2012.

Regional Directors
State Directors
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State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

Original Signed

Cynthia Long
Director
Child Nutrition Division

(i) shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students; and

(ii) shall, at a minimum, be based on the weekly average of the nutrient content of school lunches.

(B) The Secretary shall provide technical assistance and training, including technical assistance and training in the preparation of lower-fat versions of foods commonly used in the school lunch program under this Act, to schools participating in the school lunch program to assist the schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A) and in providing appropriate meals to children with medically certified special dietary needs. The Secretary shall provide additional technical assistance to schools that are having difficulty maintaining compliance with the requirements.

(2) FLUID MILK.—

(A) IN GENERAL.—Lunches served by schools participating in the school lunch program under this Act—

(i) shall offer students a variety of fluid milk. Such milk shall be consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(ii) may offer students flavored and unflavored fluid milk and lactose-free fluid milk; and

(iii) shall provide a substitute for fluid milk for students whose disability restricts their diet, on receipt of a written statement from a licensed physician that identifies the disability that restricts the student's diet and that specifies the substitute for fluid milk.

(B) SUBSTITUTES.—

(i) STANDARDS FOR SUBSTITUTION.—A school may substitute for the fluid milk provided under subparagraph (A), a nondairy beverage that is nutritionally equivalent to fluid milk and meets nutritional standards established by the Secretary (which shall, among other requirements to be determined by the Secretary, include fortification of calcium, protein, vitamin A, and vitamin D to levels found in cow's milk) for students who cannot consume fluid milk because of a medical or other special dietary need other than a disability described in subparagraph (A)(iii).

(ii) NOTICE.—The substitutions may be made if the school notifies the State agency that the school is implementing a variation allowed under this subparagraph, and if the substitution is requested by written statement of a medical authority or by a student's parent or legal guardian that identifies the medical or other special dietary need that restricts the student's diet, except that the school shall not be required to provide beverages other than beverages the school has identified as acceptable substitutes.

(iii) EXCESS EXPENSES BORNE BY SCHOOL FOOD AUTHORITY.—Expenses incurred in providing substitutions under this subparagraph that are in excess of

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§ 210.10

(iii) Meet the Recommended Dietary Allowances and lunchtime energy allowances (nutrient levels) and indicate the age/grade groups served and how the nutrient levels are met for those age/grade groups;

(iv) Follow the requirements for competitive foods in §210.11 and appendix B to this part;

(v) Follow the requirements for counting food items and products towards the meal patterns. These requirements are found in paragraphs (k)(3) through (k)(5) and paragraph (m) of this section, in appendices A through C to this part, and in instructions and guidance issued by FNS. This only applies if the alternate approach is a food-based menu planning approach;

(vi) Identify a reimbursable lunch at the point of service;

(A) To the extent possible, the procedures provided in paragraph (i)(2)(i) of this section for the nutrient standard or assisted nutrient standard menu planning approaches or for food-based menu planning approaches provided in paragraph (k) of this section must be followed. Any instructions or guidance issued by FNS that further defines the elements of a reimbursable lunch must be followed when using the existing regulatory provisions.

(B) Any alternate approach that deviates from the provisions in paragraph (i)(2)(i) or paragraph (k) of this section must indicate what constitutes a reimbursable lunch, including the number and type of items (and, if applicable, the quantities for the items) which comprise the lunch, and how a reimbursable lunch is to be identified at the point of service;

(vii) Explain how the alternate menu planning approach can be monitored under the applicable provisions of §§ 210.18 and 210.19, including a description of the records that will be maintained to document compliance with the program's administrative and nutrition requirements. However, if the procedures under §210.19 cannot be used to monitor the alternate approach, a description of procedures which will enable the State agency to assess compliance with the nutrition standards in paragraphs (b)(1) through (b)(4) of this section must be included; and

(viii) Follow the requirements for weighted analysis and for approved software for nutrient standard menu planning approaches as required by paragraphs (i)(4) and (i)(5) of this section unless a State agency-developed approach meets the criteria in paragraph (l)(3)(iii) of this section. Through September 30, 2009, schools are not required to conduct a weighted analysis.

(m) *What are the requirements for offering milk?*—(1) *Types of milk.* (i) Under all menu planning approaches for students, schools must offer students fluid milk in a variety of fat contents. Schools may offer flavored or unflavored milk and lactose-free fluid milk.

(ii) All milk served in the Program must be pasteurized fluid milk which meets State and local standards for such milk. However, infants under 1 year of age must be served breast milk or iron-fortified infant formula. All milk must have vitamins A and D at levels specified by the Food and Drug Administration and must be consistent with State and local standards for such milk.

(2) *Inadequate milk supply.* If a school cannot get a supply of milk, it can still participate in the Program under the following conditions:

(i) If emergency conditions temporarily prevent a school that normally has a supply of fluid milk from obtaining delivery of such milk, the State agency may allow the school to serve meals during the emergency period with an alternate form of milk or without milk.

(ii) If a school is unable to obtain a supply of any type of fluid milk on a continuing basis, the State agency may approve the service of meals without fluid milk if the school uses an equivalent amount of canned milk or dry milk in the preparation of the meals. In Alaska, Hawaii, American Samoa, Guam, Puerto Rico, and the Virgin Islands, if a sufficient supply of fluid milk cannot be obtained, "milk" includes reconstituted or recombined milk, or as otherwise allowed by FNS through a written exception.

(3) *Milk substitutes.* If a school chooses to offer one or more substitutes for fluid milk for non-disabled students with medical or special dietary needs,

Milk
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of the meats/meat alternates component or the grains component but not as both food components in the same lunch.

(B) *Nuts and seeds.* Nuts and seeds and their butters are allowed as meat alternates in accordance with program guidance. Acorns, chestnuts, and coconuts may not be used because of their low protein and iron content. Nut and seed meals or flours may be used only if they meet the requirements for Alternate Protein Products established in Appendix A to this part. Nuts or seeds may be used to meet no more than one-half (50 percent) of the meats/meat alternates component with another meats/meat alternates to meet the full requirement.

(C) *Yogurt.* Yogurt may be used to meet all or part of the meats/meat alternates component. Yogurt may be plain or flavored, unsweetened or sweetened. Noncommercial and/or non-standardized yogurt products, such as frozen yogurt, drinkable yogurt products, homemade yogurt, yogurt flavored products, yogurt bars, yogurt covered fruits and/or nuts or similar products are not creditable. Four ounces (weight) or ½ cup (volume) of yogurt equals one ounce of the meats/meat alternates requirement.

(i) *Fruits component.* Schools must offer fruits daily as part of the lunch menu. Fruits that are fresh; frozen without sugar; canned in light syrup, water or fruit juice; or dried may be offered to meet the requirements of this paragraph. All fruits are credited based on their volume as served, except that ¼ cup of dried fruit counts as ½ cup of fruit. Only pasteurized, full-strength fruit juice may be used, and may be credited to meet no more than one-half of the fruits component.

(iii) *Vegetables component.* Schools must offer vegetables daily as part of the lunch menu. Fresh, frozen, or canned vegetables and dried legumes may be offered to meet this requirement. All vegetables are credited based on their volume as served, except that 1 cup of leafy greens counts as ½ cup of vegetables. Pasteurized, full-strength vegetable juice may be used to meet no more than one-half of the vegetable requirement. Cooked dry beans or peas may be counted as either a vegetable or as a meat alternate but not as both in the same meal. Vegetable offerings at lunch must include the following vegetable subgroups in the quantities specified in the meal pattern in paragraph (c) of this section:

(A) *Dark green vegetables.* This subgroup includes bok choy, broccoli, collard greens, dark green leafy lettuce, kale, mustard greens, romaine lettuce, spinach, turnip greens, and watercress;

(B) *Orange vegetables.* This subgroup includes acorn squash, butternut squash, carrots, pumpkin, and sweet potato;

(C) *Legumes (dry beans).* This subgroup includes black beans, black-eyed peas, garbanzo beans, green peas, kidney beans, lentils, lima beans, soy beans, split peas, and white beans;

(D) *Starchy vegetables.* This subgroup includes corn, green peas, lima beans, and white potatoes. Green peas and fresh, frozen, or canned (not dried) lima beans are considered part of this subgroup and part of the legumes subgroup, but must be counted in one subgroup only in the same meal; and

(E) *Other vegetables.* This subgroup includes all other fresh, frozen, and canned vegetables, cooked or raw, including tomatoes, tomato juice, iceberg lettuce, green beans, and onions.

(iv) *Grains component.* (A) *Enriched or whole grains.* All grains must be enriched or whole grain-rich, or made with enriched or whole grain meal or flour, in accordance with the most recent grains guidance from FNS.

(B) *Daily and weekly servings.* The grains requirement is based on minimum daily servings plus total servings over a five-day school week. Half of the grains offered during the school week must meet the whole grain-rich criteria specified in FNS guidance. Two years post implementation of the final rule all grains offered during the school week must meet the whole grain-rich criteria specified in FNS guidance. The whole grain-rich criteria may be updated to reflect additional information provided voluntarily by industry on the food label or a whole grains definition by the Food and Drug Administration. Schools serving lunch 6 or 7 days per week must increase the weekly grains quantity by approximately 20 percent (1/5th) for each additional day. When schools operate less than 5 days per week, they may decrease the weekly quantity by approximately 20 percent (1/5th) for each day less than five. The servings for biscuits, rolls, muffins, pastas, cereals, and other grains varieties are specified in program guidance.

(C) *Desserts.* Schools may count up to one grain-based dessert per day towards meeting the grains requirement as specified in the Grains/Bread Instruction issued by FNS.

(v) *Fluid milk component.* Fluid milk must be offered daily in accordance with paragraph (d) of this section.

(3) *Food components in outlying areas.* Schools in American Samoa, Puerto Rico and the Virgin Islands may serve vegetables such as yams,

plantains, or sweet potatoes to meet the grains component.

(4) *Adjustments to the school menus.* Schools must adjust future menu cycles to reflect production and how often the food items are offered. Schools may need to change the foods offered given the students' selections and may need to modify the recipes and other specifications to make sure that the meal requirements are met.

(5) *Standardized recipes.* All schools must develop and follow standardized recipes. A standardized recipe is a recipe that was tested to provide an established yield and quantity using the same ingredients for both measurement and preparation methods. Standardized recipes developed by USDA/FNS are in the Child Nutrition Database. If a school has its own recipes, they may seek assistance from the State agency or school food authority to standardize the recipes. Schools must add any local recipes to their local database as outlined in FNS guidance.

(6) *Processed foods.* The Child Nutrition Database includes a number of processed foods. Schools may use purchased processed foods that are not in the Child Nutrition Database. Schools or the State agency must add any locally purchased processed foods to their local database as outlined in FNS guidance. The State agencies must obtain the levels of calories, saturated fat, and sodium in the processed foods.

(7) *Menu substitutions.* Schools should always try to substitute nutritionally similar foods.

(d) *Fluid milk requirement.* (1) *Types of fluid milk.* (i) Schools must offer students a variety of fluid milk. Milk must be fat-free or low-fat. Milk with higher fat content is not allowed. Fat-free fluid milk may be flavored or unflavored, and low-fat fluid milk must be unflavored. Lactose-free fluid milk may also be offered.

(ii) All fluid milk served in the Program must be pasteurized fluid milk which meets State and local standards for such milk. All fluid milk must have vitamins A and D at levels specified by the Food and Drug Administration and must be consistent with State and local standards for such milk.

(2) *Inadequate fluid milk supply.* If a school cannot get a supply of fluid milk, it can still participate in the Program under the following conditions:

(i) If emergency conditions temporarily prevent a school that normally has a supply of fluid milk from obtaining delivery of such milk, the State agency may allow the school to serve meals during the emergency period with an alternate form of fluid milk or without fluid milk.

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