

## **Foods of Minimal Nutritional Value (FMNV)**

### **Restricted Foods & FMNV Exemptions**

FMNV are defined in federal regulations as having less than 5 percent of the RDA per serving for eight key nutrients (calories, total fat, saturated fat, protein, calcium, iron, vitamin A, vitamin C) and include soft drinks, water ices, chewing gum and certain candies.

#### **FMNV Restricted Foods**

Foods and beverages that are restricted from sale to students are classified in the following four categories:

**Soda Water:** Any carbonated beverage. No product shall be excluded from this definition because it contains discrete nutrients added to the food such as vitamins, minerals and protein.

**Water Ices:** Any frozen, sweetened water such as "...sicles" and flavored ice with the exception of products that contain fruit or fruit juice.

**Chewing Gum:** Any flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.

**Certain Candies:** Any processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:

**Hard Candy:** A product made predominantly from sugar (sucrose) and corn syrup that may be flavored and colored, is characterized by a hard, brittle texture and includes such items as sour balls, lollipops, fruit balls, candy sticks, starlight mints, after dinner mints, jaw breakers, sugar wafers, rock candy, cinnamon candies, breath mints and cough drops.

**Jellies and Gums:** A mixture of carbohydrates that are combined to form a stable gelatinous system of jellylike character and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

**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.

**Fondant:** A product consisting of microscopic-sized sugar crystals that are separated by a thin film of sugar and/or invert sugar in solution such as candy corn or soft mints.

**Licorice:** A product made predominantly from sugar and corn syrup that is flavored with an extract made from the licorice root.

**Spun Candy:** A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

**Candy Coated Popcorn:** Popcorn that is coated with a mixture made predominantly from sugar and corn syrup.

Note: USDA has approved exceptions for certain products included in the above categories. Food items listed in the exemption list must meet TPSNP guidelines when being provided to students.

### **FMNV and Policy Exemptions**

USDA has exempted several products from the category of Foods of Minimal Nutritional Value (FMNV). However, the food items listed in the exemption list must still meet TPSNP guidelines when provided to students. These products are not approved or endorsed by the USDA, nor do they indicate they have significant nutritional value. In addition, this exemption should not be perceived as encouragement to purchase these products.

The exemption of one product does not extend to similar products or a family of products. SFA personnel should check the ingredient statement of each exempted food on the list to differentiate between exempted products and similar non-exempted products. Refer to the end of this section for list of current exemptions to FMNV. This list is current as of February 2, 2009. USDA revises it often, so check the Web site at [www.squaremeals.org](http://www.squaremeals.org) for the most recent version.

**School Nurses:** This policy does not apply to school nurses using FMNVs during the course of providing health care to individual students.

**Accommodating Students with Special Needs:** Special Needs Students whose Individualized Education Program (IEP) plan indicates the use of an FMNV or candy for behavior modification (or other suitable need) may be given FMNV or candy items.

**School Events:** Students may be given FMNV, candy items or other restricted foods during the school day for up to three different events each school year to be determined by campus. The exempted events must be approved by a school official. During these events, FMNV may not be given during meal times in the areas where school meals are being served or consumed, and regular meal service (breakfast and lunch) must continue to be available to all students in accordance with federal regulations.

**TAKS Test Days:** Schools and parents may provide one additional nutritious snack per day for students taking the TAKS tests. The snack must comply with the fat and sugar limits of the Public School Nutrition Policy and may not contain any FMNV or consist of candy, chips or dessert type items (cookies, cakes, cupcakes, pudding, ice cream or frozen desserts, etc.). Packaged snacks must be in single size servings.

**Instructional Use of Food in Classroom:** For instructional purposes, teachers may use foods as long as the food items are not considered FMNV or candy. Students may consume food prepared in class for instructional purposes. However, this should be on an occasional basis, and food may not be provided or sold to other students or classes. Food provided for students as part of a class or school cultural heritage event for instructional or enrichment purposes would be exempt from the policy. However, FMNV may not be served during meal periods in the areas where school meals are being served or consumed, and regular meal service (breakfast and lunch) must continue to be available to all students.

**Field Trips:** School-approved field trips are exempt from the TPSNP. A school official must approve the dates and purposes of the field trips in advance.

**Athletic, UIL, Band and Other Competitions:** The TPSNP does not apply to students who leave campus to travel to athletic, UIL, band or other competitions. The school day is considered to have ended for these students. School activities, athletic functions, etc. that occur after the normal school day are not covered by the policy.

This policy does not restrict what parents may provide for their own child's lunch or snacks. Parents may provide FMNV or candy items for their own child's consumption, but they may not provide restricted items to other children at school. A school may adopt a more restrictive rule, however, as local policy.