

Commissioner's Memo
1/13/2017

Wellness Policies: Tips for Addressing Policies for Food and Beverage Marketing

Memo Information

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Memo Type Regulatory

Unit Child Nutrition

Regulatory Authority Healthy Hunger-free Kids Act of 2010; USDA Final Rule on Wellness Policy Implementation

Response Required NO

Attention Superintendents; Principals

Primary Contact Information

Name Stephanie Alsbrook

Phone Number 501-324-9502

Email stephanie.alsbrook@arkansas.gov

Memo Text

ATTENTION CO-OP DIRECTORS, CHILD NUTRITION DIRECTORS, WELLNESS COMMITTEE CHAIRS AND MEMBERS

Food and beverage marketing is prevalent in schools, and the majority of foods and beverages marketed to children are low in nutritional value and high in fat and sodium. Many of the foods and beverages that are heavily marketed to children contribute to poor diet quality, high calorie intake, and excess weight gain. However, the majority of schools do not have policies restricting food and beverage marketing to children. Therefore, in the United States Department of Agriculture Final Rule on Wellness Policy Implementation, for those districts that choose to allow marketing of food and beverages to students, the districts are required to include in their local school wellness plans policies that allow the marketing of only those foods and beverages that may be sold on the school campus during the school day (i.e. that meet the Arkansas Nutrition Standards and Federal Smart Snacks requirements).

Change Required for Wellness Policy

Many Arkansas schools have followed this practice for several years. The change is that the practice must now be reflected in the district wellness policy.

The marketing of products on the exterior of vending machines, through posters, menu boards, coolers, trash cans, and other food service equipment, as well as cups used for beverage dispensing are all subject to local school wellness policy standards. Under these standards, the logos and products marketed in these areas and items are required to meet Arkansas Nutrition Standards and Federal Smart Snacks requirements.

Sporting Events and Other After-School Events

Federal Local Wellness Policy standards for marketing do not apply to marketing that occurs at events outside of school hours such as after school sporting or any other events, including school fundraising events. However, districts have the discretion to enact broader policies that address these situations.

Replacement of Equipment

The rule does not require schools to immediately replace equipment in the food service area or existing scoreboards. However, as the school food service reviews or considers new contracts and as scoreboards or other such durable equipment are replaced or updated over time, replacement and purchasing decisions should reflect the applicable marketing guidelines established by the district in the wellness policy.

Limits to the Final Rule

This final rule does not require local school wellness policies to include standards that establish limits on personal expression, opinions, or products. For example, this regulation would not apply to clothing or personal items used by students or staff, or the packaging of products brought from home for personal consumption.

The requirements of the final rule do not apply to materials used for educational purposes in the classroom, such as teachers' use of soda advertisements as a media education tool; or when implementing a health or nutrition education curriculum.

District Responsibilities

The final rule is not intended to imply that schools must allow food or beverage marketing on campus. This regulation requires school wellness policies to include minimum standards for food and beverage marketing restrictions.

Districts have the discretion to adopt more stringent policies for food and beverage marketing.

If you have questions or need further clarification, please contact the Child Nutrition Unit at (501) 324-9502 and ask for Stephanie Alsbrook or your district's Area Specialist.

