

COMPETITIVE FOOD SALES / VENDING MACHINES

Vending Machines

Vending machines will only dispense foods that meet nutrition standard guidelines as set forth by the U.S. Department of Agriculture requirements for foods and beverages that are sold individually and the ~~New Mexico~~ requirements for competitive foods sold to students. The requirements for vending machine beverage sales and accompaniments in New Mexico schools are listed by designated school location of the sale.

- *Elementary schools.* Allowable beverages for elementary school-aged students are limited to: ~~Milk (two percent [2%] or less), soy milk, and water only may be sold or dispensed from vending machines and then only after the last lunch period is completed. only may be sold or dispensed from vending machines and then only after the last lunch period is completed.~~
 - Plain water or plain carbonated water (no size limit);
 - Low fat milk, unflavored (no more than 8 fluid ounces);
 - Non fat milk, flavored or unflavored (no more than 8 fluid ounces);
 - Nutritionally equivalent milk alternatives as permitted in § 210.10 and § 220.8 of this chapter (no more than 8 fluid ounces); and
 - 100 percent fruit/vegetable juice, and 100 percent fruit and/or vegetable juice diluted with water (with or without carbonation and with no added sweeteners) (no more than 8 fluid ounces).
- *Middle schools.* Allowable beverages for middle school-aged students are limited to: ~~No carbonated beverages and only drinks and food specified by 6.12.5.8 NMAC may be sold or dispensed from vending machines. Foods from vending machines may only be sold after the last lunch period. only may be sold or dispensed from vending machines and then only after the last lunch period is completed.~~
 - Plain water or plain carbonated water (no size limit);
 - Low fat milk, unflavored (no more than 12 fluid ounces);
 - Non fat milk, flavored or unflavored (no more than 12 fluid ounces);
 - Nutritionally equivalent milk alternatives as permitted in § 210.10 and § 220.8 of this chapter (no more than 12 fluid ounces); and

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- 00 percent fruit/vegetable juice, and 100 percent fruit and/or vegetable juice diluted with water (with or without carbonation and with no added sweeteners) (no more than 12 fluid ounces).
- *High schools. Allowable beverages for high school-aged students are limited to: ~~selling beverages from vending machines: Beverages sold from vending machines must conform to 6.12.5.8 NMAC as to nutritional value and if sold after the last lunch period is completed may include the following: carbonated sugar free and caffeine free soft drinks, non-carbonated flavored water without added sweeteners, and sport drinks. only may be sold or dispensed from vending machines and then only after the last lunch period is completed.~~*
 - Plain water or plain carbonated water (no size limit);
 - Low fat milk, unflavored (no more than 12 fluid ounces);
 - Non fat milk, flavored or unflavored (no more than 12 fluid ounces);
 - Nutritionally equivalent milk alternatives as permitted in § 210.10 and § 220.8 of this chapter (no more than 12 fluid ounces);
 - 100 percent fruit/vegetable juice, and 100 percent fruit and/or vegetable juice diluted with water (with or without carbonation and with no added sweeteners) (no more than 12 fluid ounces);
 - Calorie-free, flavored water, with or without carbonation (no more than 20 fluid ounces);
 - Other beverages that are labeled to contain less than 5 calories per 8 fluid ounces, or less than or equal to 10 calories per 20 fluid ounces (no more than 20 fluid ounces); and
 - Other beverages that are labeled to contain no more than 40 calories per 8 fluid ounces or 60 calories per 12 fluid ounces (no more than 12 fluid ounces).
- *High schools selling food products by vending machine: Food products shall conform to ~~6.12.5.8 NMAC~~ 7 CFR 210.11 as to nutritional value if sold from vending machines to students and may be sold at any time.*

Competitive Food Sales

Competitive food sales and marketing will be consistent with nutrition education and health promotion. Competitive food and beverage items sold during the school day must meet the nutrition standards for competitive food as required in 7 CFR 210.11 and 210.11a.

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The á la carte offerings in school meal programs shall follow the nutritional minimum requirements for reimbursable school meals as issued by the Secretary of Agriculture in The National School Lunch Act and The Child Nutrition Act (see references below).

Fundraiser restrictions.

A special exemption is allowed for the sale of food and/or beverages that do not meet the competitive food standards as required in this section for the purpose of conducting an infrequent school-sponsored fundraiser. In school sponsored fund raisers, before, during and after school, healthy choices conforming to the requirements for high schools in food and beverage sales found in 6.12.5.8 NMAC shall be followed in at least fifty (50) percent of the offerings for sale. A fundraiser is a sale on a school campus to benefit a school or school organization of beverage or food products limited by a United States department of agriculture school meal program for use, consumption or sale during the school day. No fundraiser may be conducted in competition with school meals in the food service area during meal service. A fundraiser may be conducted only for up to one school day on two occasions per semester or trimester term in a school that participates in United States department of agriculture school meal programs.

Adopted: date of manual adoption

LEGAL REF.: 42 U. S. C. 1751 *et seq.*, The National School Lunch Act
42 U.S.C. 1771 *et seq.*, The Child Nutrition Act as amended.
7 CFR 210.11 Competitive food service and standards
7 CFR 210.11a **Competitive food services**
6.12.5.8 NMAC, New Mexico Requirements for Competitive
Foods Sold to Students
6.12.6.8 NMAC, Wellness Requirements

CROSS REF.: JL - Student Wellness

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