



NATIONAL DAIRY COUNCIL®

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Ms. Julie Brewer, Chief
Policy and Program Development Branch
Child Nutrition Division, Food and Nutrition Service
P.O. Box 66874
Saint Louis, MO 63166

FNS-2011-0019 RIN 0584-AE09

Dear Ms. Brewer:

National Dairy Council (NDC) appreciates the opportunity to file comments on a proposed rule to establish nutrition standards for those foods sold in competition with the federal school meal programs (“competitive foods”) (1). NDC was founded by the nation’s dairy farmers and supports nutrition research, provides information and conducts education about the benefits of dairy foods to all Americans. We have always had a special interest in improving health and wellness among youth and developing healthy school environments.

NDC’s Commitment to Nutrition and Physical Activity

NDC has a strong, foundational commitment to promoting childhood nutrition through its work in schools. In 2015, NDC will mark 100 years of engagement in nutrition education. Our national organization and our unique network of state and regional dairy council staff, many of whom are registered dietitians, work closely with schools throughout the United States. We interact with school nutrition professionals, and we maintain relationships at all levels of school administration and classroom instruction.

This engagement involves not only our own programming, but also partnerships with others. Notably, in some 73,000 schools nationwide (2), NDC’s flagship nutrition and physical activity program, Fuel Up To Play 60 (FUTP60), is helping to improve public health through student-led activities. The National Football League is our partner in this endeavor, and we also promote FUTP60 and other nutrition and physical activity efforts through a Memorandum of Understanding with the Departments of Agriculture, Education and Health and Human Services, as well as with the GENYOUth Foundation.

In March, 2013 together with the GENYOUth Foundation, the American College of Sports Medicine and the American School Health Association, we published a report entitled *The*

Wellness Impact: Enhancing Academic Success through Healthy School Environments, which demonstrates the connection between nutrition, physical activity and readiness to learn. This document complements USDA's efforts to improve the nutritional quality of competitive foods in schools, and illustrates that healthy eating and physical activity can lead to better academic and even economic outcomes (2). The report also addressed food insecurity in the U.S., and noted that almost 1 in 4 children live in a food insecure household (3). We live in a paradoxical time where many children are overweight (4) and many fall short on meeting several key nutrient intake recommendations (5, 6). The report highlights how studies of school children with insufficient food revealed poorer class performance, more days of school missed and a decline in academic achievement (2, 7). The role of competitive foods sold at school on children's nutritional intake and readiness to learn is crucial and dairy foods offer nutrient-rich and affordable options.

Overall Balance in the Competitive Foods Rule

The proposed rule's provisions are consistent with the 2010 *Dietary Guidelines for Americans* (DGA) (5), and several specific provisions, which includes low-fat and fat-free dairy foods would be likely to enhance intake of the foods to encourage identified in the DGA. Foods in the Dairy group contain three out of four of the nutrients of concern identified by the DGA, calcium, vitamin D and potassium (5, 8). Milk is the number one food source of these three nutrients in the diets of American children (9). Milk also contains many other nutrients including phosphorus, protein and vitamins A and B12 essential for children's diets (8). Many children fall short of the three low-fat or fat-free dairy servings recommended by the DGA for those 9 years and older (5, 10, 11), so encouraging milk, yogurt and cheese consumption through the competitive foods rule would further the goals of the DGA.

NDC is aware that the Food and Nutrition Service (FNS) must balance several factors when formulating standards for competitive foods. First, high rates of overweight and obesity among the nation's youth (4) illustrate the need for school environments to promote healthy nutrition choices. Second, schools are dependent on revenues from competitive foods, so FNS has appropriately assessed the consequences for school revenues under the proposed rule (1). Finally, the range of available food choices also must take into account the products' taste and appeal to students, since no food nourishes a student if it remains uneaten.

Comments on Specific Provisions

As a dairy farmer- and dairy importer-funded research and promotion program, NDC does not engage in advocacy, so the purpose of these comments is not to encourage FNS to adopt one policy or another. With that in mind, NDC offers the following observations about the likely impact of specific aspects of the proposed rule on dairy intake, based on our knowledge of the current nutrition science, our close and ongoing contact with school nutrition professionals across the United States, and other relevant data.

Cheese

Under the proposed rule, reduced-fat cheese would have an exemption from the fat standards of 35% calories from fat per portion. The exemption would allow schools to promote cheeses

with a significant reduction in fat, but that contain the same key nutrients as full fat cheese, including calcium and protein (8), as a healthy snack or a la carte item. Choosing reduced-fat cheese is consistent with strategies outlined in the DGA to improve dairy intake (5). Reduced-fat cheeses are readily available on the market, while limited amounts of low-fat cheeses are currently available (12). Cheeses such as reduced-fat Cheddar and American, part-skim mozzarella and low-moisture part-skim mozzarella are good or excellent sources of calcium and count toward daily dairy recommendations (8, 13).

FNS may wish to clarify which other cheeses, such as part-skim mozzarella and low-fat cheeses would be allowed to be served a la carte for purposes of this rule. Low-moisture part-skim mozzarella, commonly used in popular string cheese snacks, and part-skim mozzarella are comparable in percent fat to reduced fat cheese, which contains 25% less fat than its full fat counterpart (8). However, because low-moisture part-skim mozzarella and part-skim mozzarella are defined compositionally by Standards of Identity ([§133.158](#) and [§133.157](#), respectively), they cannot be labeled as reduced-fat under FDA food labeling rules (14). In addition, cheese that meets the FDA definition of low-fat (no more than 3 g fat per FDA reference amount, which for cheese is 50 g) (14) would contain less than 35% of calories from fat. Thus, providing a list of common cheeses that would be allowed to be served a la carte, such as reduced fat cheese, part-skim mozzarella, low-moisture part-skim mozzarella, string cheese, and low-fat cheese, may be easier for schools to implement. For development of new cheese options that also would be acceptable, additional guidance to industry could be helpful.

Yogurt

Low-fat yogurt would be exempt from the proposed rule's standard of 35% of calories from sugar (or by weight), if the yogurt contains no more than 30 grams of sugar per 8 ounces. This standard is consistent with other nutrition standards and recommendations for yogurt (15, 16), and allows a popular, nutritious snack to be offered that counts toward daily dairy recommendations.

Alternative Sugar Standards

FNS requests comments on two alternatives for a standard for sugars: a maximum 35% of calories from total sugar, or a 35% total sugar by weight. The by-weight standard would allow a wider range of products, especially those in which fat content has been reduced, which is consistent with FNS' goals (1). As fat in a food product is reduced, the percentage of calories from carbohydrates and protein increase even if the amount of sugar remains the same, making it difficult to develop products that are reduced in both fat and sugar while meeting a sugar standard that is based on percent calories. Perhaps that is why USDA's HealthierUS Schools Challenge also uses 35% sugar by weight (17).

Fluid Milk

The proposed rule allows fluid milk to be offered competitively (either a la carte or in vending) if it is low-fat or fat-free; flavored milk must be fat-free. This is the same standard presently in place for the reimbursable school meal programs (18). The ability to offer fat-free flavored milk with the same standard should enhance the efficiency of schools' food service operations, since

many schools are likely to offer the same milk they procure for the school meal line as their a la carte milk.

Schools, working with fluid milk processors from whom they procure their milk, have made major reductions in the sugar content of flavored milk. The most recent survey by the Milk Processor Education Program (for school year 2011-12) showed that the average serving of school milk contains 22.1 grams of total sugar. The average sugar levels in the MilkPEP survey were 23% lower than in school year 2006-07 (19).

Entrees and Side Dishes

FNS has provided several options for the treatment of entrees and side dishes in the school meal program that are sold a la carte. In general, since FNS has recently overhauled school meal standards to conform them to the current Dietary Guidelines for Americans, any meal line foods sold a la carte might be seen as already consistent with FNS's nutritional goals. The ability to sell an item a la carte if it was also served on the meal line would offer schools the greatest flexibility to serve healthy and popular items, including those containing dairy.

Pizza is often cited as an example of a meal-line entrée that is also popular when served a la carte, and it can make important nutrient contributions to diets of children and teens (20). For example, taking into account pizza consumed in and out of school by 14-18-year-olds in the US, NHANES data shows that pizza provides 11% of calcium, thiamin and folate, 9% of protein, phosphorus and vitamin E, 8% of fiber, riboflavin, iron and monounsaturated fat, 7% of niacin and zinc, and 6% of vitamin B12, magnesium and polyunsaturated fat in their diets. (It provides 10% of saturated fat and 8% of calories in the U.S. diet for this age group) (20). The pizza industry, working with school nutrition directors, has created pizzas to meet the requirements, specification and nutritional guidelines (21). Many of these pizzas contain less sodium, fat and saturated fat plus more foods to encourage such as whole grains, vegetables and lower-fat dairy. For example, one of the industry leaders has created a line of pizzas with the following nutritional attributes (21):

- White whole wheat crust made with 51% white whole wheat flour
- Reduced sodium pizza sauce with 35% less sodium
- 100% real lite mozzarella cheese with half the fat and 100 mg less sodium per serving of the standard mozzarella cheese
- Reduced fat pepperoni with 33% less fat and 50% less sodium than the traditional pepperoni
- Topping variety such as turkey pepperoni and a wide variety of lean meats, veggies, cheeses and other pizza toppings

Thus pizza can be a nutritious option for a la carte.

Foods to Promote - Smoothies

In addition to enacting standards that will exclude some products from schools, the proposed rule also has a strong orientation toward promoting and encouraging nutrient-rich foods. In this light, it would be consistent with the proposed rule's goals to facilitate schools' ability to offer snacks and a la carte items centered around those foods encouraged by the Dietary

Guidelines for Americans, including whole grains, fruits and vegetables, and low-fat and fat-free dairy. As an example, fruit-and-dairy smoothies have been successfully offered by many schools participating in FUTP60. FNS may wish to consider whether its proposed rule accommodates smoothies as an a la carte item, whether made with low-fat fluid milk, yogurt, or both.

NDC appreciates the opportunity to provide science-based comments that may inform FNS's deliberations on the proposed rule.

Sincerely,

A handwritten signature in blue ink that reads "Jean H. Ragalie". The signature is written in a cursive style and is positioned above a light pink rectangular background.

Jean Ragalie, RD
President, National Dairy Council

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