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April 18, 2014

Julie Brewer
Chief, School Programs Branch
U.S. Department of Agriculture
Policy and Program Development Division
Child Nutrition Programs, Food and Nutrition Service
P.O. Box 66740
St. Louis, MO 63166-6740

Re: RIN 0584-AE25

Dear Ms. Brewer:

On behalf of the American Heart Association, including the American Stroke Association and more than 22.5 million volunteers and supporters, we appreciate this opportunity to provide comments on the proposed rule for Local School Wellness Policy Implementation under the Healthy Hunger-Free Kids Act of 2010. The American Heart Association is a strong supporter of robust school policies that create a healthy, supportive learning environment and the foundation for lifetime health behaviors where children spend a majority of their day.

We believe the proposed rule strengthens the existing regulation around local wellness policies by assuring that schools have goals for nutrition promotion, education, physical activity and now food marketing and advertising as well as other school-based activities that promote student wellness. The proposed rule also improves accountability and public reporting to create transparency with parents, students and the community on implementation, progress and regular review of the wellness policy. Additionally, it assures adequate representation on the wellness committee with various stakeholders to optimize coordination across the school environment and community with input and accountability from everyone involved.

One point, however, that is absent from the rule is a more precise timeline for implementation. We propose that local educational agencies (LEAs) should be required to implement this rule in the school year that immediately follows its finalization, hopefully as soon as 2014-15, but no later than 2015-16. We hope that the US Department of Agriculture (USDA) will finalize the rule as quickly as possible to help schools begin to comply with the new requirements.

Also, as a general comment, we believe USDA should add more of the language that is in the preamble in the rule itself. Additionally, the language that is currently in the preamble should be incorporated into the toolkits and resources that USDA provides to LEAs. In the rule itself, local school wellness policy, nutrition education, physical activity and physical education, and food and beverage marketing should be defined. We offer the following model language:

Local School Wellness Policy: *Local school wellness policy* includes both the school board-approved local wellness policy as well as any superintendent regulations, rules, and/or procedures that accompany the school board-approved wellness policy, where applicable.

Nutrition Education and Promotion: *Nutrition promotion and education* refers to all activities that engage students directly or indirectly in classroom settings, foodservice venues, or throughout the school campus, during the school day, that are designed to facilitate voluntary adoption of healthy food choices as well as including enhancing and encouraging participation in school meal programs, and other food- and nutrition-related behaviors consistent with the applicable recommendations of the most recent Dietary Guidelines for Americans.

Food and Beverage Marketing and Advertising: *Food and beverage marketing and advertising* in elementary, middle and high schools may only be for foods and beverages that meet the USDA's Smart Snack standards. *Food and Beverage Marketing and Advertising* means an oral, written, or graphic statement or representation, including the company logo or trademark, made for the purpose of promoting the use or sale of a product by the producer, manufacturer, distributor, seller, or any other entity with a commercial interest in the product. This covers any property or facility owned or leased by the school district or school (such as school buildings, athletic fields, transportation vehicles, parking lots, or other facilities) and used at any time for school-related activities. It includes corporate incentive programs that reward children with foods and beverages and corporate-sponsored programs that provide funds to schools in exchange for consumer purchases of foods and beverages.

Physical Education

Physical education is the cornerstone of increasing the overall quantity of physical activity in school and teaches students the basics of physical literacy and how to integrate exercise into their lives in order to establish a lifetime of healthy living. A quality physical education program provides learning opportunities, appropriate instruction, meaningful and challenging content for all children, and student and program assessment.

Physical Activity

Physical activity is bodily movement of any type and may include recreational, fitness and sport activities such as jumping rope, playing soccer, lifting weights, as well as daily activities such as walking to the store or taking the stairs. Opportunities to accumulate physical activity during the school day include time spent in physical education class, classroom-based movement, recess, walking or biking to school, and recreational sport and play that occurs before, during, and after school.

In the following paragraphs, we offer some more specific comments on different areas of the proposed rule:

Local School Wellness Policy Leadership

We feel it is important to have one or more LEA school official(s) who serve as the designated contact for the wellness policy and can facilitate implementation, convey progress, and provide regular review and update of the wellness policy and assure school compliance with the policy. It is important that the school and school district provide the public with the contact information for this person(s) on the district and school website, communications to parents, newsletters, and other school communications. It would be helpful if the rule required the provision of additional feedback to schools on what authority means and whether there are any legal issues to consider for the person(s) in this position.

Public Involvement in Local School Wellness Policy Development

We think it is important that a broad array of stakeholders is represented on the committee to assure coordination across the school environment and with the community. The school and district should be required (rather than encouraged) to make available the names and position titles or relationship to the school of the wellness committee members (but not contact information) to foster transparency, accountability, and communication.

We think that it is excellent that there is mention of coordinating with SNAP-Ed coordinators and educators, and per the new Agriculture Act of 2014, these educators should be prepared to incorporate physical activity into SNAP Ed resources and technical assistance. It would also be helpful to include other government resources/agencies/programs to LEAs as applicable.

Content of the Local School Wellness Policy

We support the comprehensive areas of coverage of the proposed rule including nutrition promotion and education, physical activity, marketing and advertising, and other school-based activities and resources that promote student wellness. Improved coordinated school health programs will augment prevention efforts and help improve fitness, academic performance, mental health, physical health and well-being across the school environment. We believe that the resources, toolkits and model policies that will be provided by USDA are extremely helpful to schools. We encourage USDA to incorporate the resources of other organizations (such as the Alliance for a Healthier Generation's Smart Snack calculator) and provide these resources in the supporting materials. We agree with the USDA's guidance to LEAs that wellness policies should be measurable over the short- and long-term by elucidating who will make what change, by how much, where and by when and this should be applicable for ALL aspects of the rule, not just the content of the local school wellness policy.

Nutrition Promotion and Education

AHA is extremely supportive of continuing to include nutrition promotion and education in the wellness policy, including school-sponsored family wellness activities and integrating nutrition education throughout the curriculum. Integration throughout the curriculum is the best way to implement nutrition education in the school environment and the Institute of Medicine has developed resources in this area that would be important to reference in toolkits.¹ We support the examples that USDA provides on how schools might implement nutrition program activities

(e.g. integrated into core and elective subjects, posters, participatory activities, information provided to families, etc.). Engaging with families is especially important to bring those lessons to the home. Providing students and parents with nutrition education and information can help encourage students to make healthy choices both inside and outside of school. Informing parents about how the school is addressing nutrition, nutrition education, and physical activity and providing ideas and resources about how families can reinforce the nutrition and physical activity behaviors that children are learning at school. For example, schools in the West New York School District in West New York, New Jersey and the El Monte City School District in El Monte, California found that educating both students and parents about changes to the school menu and explaining why those changes were occurring, increased student acceptance of the healthier menu items.

As mentioned earlier in our letter, we believe it is very important for the USDA to define both nutrition education and nutrition promotion in the actual rule as additional guidance and direction to schools.

Physical Activity

We are very supportive of the proposed rule including physical activity in the local school wellness policy. We recommend that the USDA specifically mention that school-age children should accumulate at least 60 minutes per day of physical activity and avoid prolonged periods of inactivity. The key method for achieving this goal is physical education supplemented by additional opportunities for physical activity before, during, and after the regular school day.ⁱⁱ USDA should include policies to limit screen time and long periods of sedentary behavior during the school day. Once again, we feel it is important for USDA to define physical education and physical activity within the actual rule and provide examples of physical activity opportunities before, during and after school.

We are pleased that the agency mentioned so prominently the importance of incorporating the quality and quantity of physical education into the local wellness policy. We encourage the agency to include recommendations around the physical education curricula, increasing the number of classes offered, and improving teacher training, often in coordination with additional educational or home-based components as part of model policy.^{iii,iv,v,vi,vii}

There is mention of developing recommendations for waivers and exemptions that allow students to be exempted from taking physical education classes and physical activity. The way this is worded in the proposed rule, it implies that waivers and substitutions are encouraged. We feel waivers and substitutions for physical education should not be allowed in schools and suggest that model policies include the following language:

- Disallow automatic waivers or substitutions for physical education. Disallow the ability of the school or school district to assign or withhold physical activity as punishment.
- Do not allow waivers for students with disabilities, but rather require modifications or adaptations that allow physical education courses to meet the needs of students with disabilities.
- Do not allow students to opt out of physical education to prepare for other classes or standardized tests.

The attached table in Appendix A further outlines policy recommendations from the American Heart Association, the American Cancer Society, and the American Diabetes Association in support for physical education and physical activity in schools that we would like to have incorporated into model policies.

We are pleased the USDA mentioned shared use as an important possible component of the local wellness policy. Opening school buildings and grounds during non-school hours for community use is an important way to foster physical activity opportunities in communities. Incorporating a policy around shared use into the local wellness policy will allow schools the opportunity to think through how they want to craft shared use opportunities with individual community members, community groups, or school or public agencies during non-school hours for use of their facilities.

One other recommendation we have in the physical activity section is that USDA should mention the Presidential Youth Fitness Program and recommend that local wellness policies incorporate a recommendation for schools to participate in all three aspects of the program (assessment, professional development and recognition). As part of local school wellness policies, LEAs should be encouraged to report their results from the Presidential Youth Fitness Program in an aggregate manner to the community and the relevant state agency to improve tracking of physical fitness data across the United States and inform efforts to strengthen local wellness policies to improve student physical activity and physical fitness.

Other School-based Activities

AHA supports the excellent examples that USDA has provided for other LEA activities that integrate nutrition and health into the school environment. We are especially pleased that school gardens, Farm to School and Farm to Cafeteria activities are mentioned as well as healthy fundraisers and staff participation to serve as important role models for students. We would like to offer the American Heart Association's Teaching Gardens program (http://www.heart.org/HEARTORG/GettingHealthy/HealthierKids/TeachingGardens/Teaching-Gardens_UCM_436602_SubHomePage.jsp) as a resource for USDA. We also think it is important that LEAs are encouraged to assess their progress with the Centers for Disease Control and Prevention's (CDC) School Health Index. The USDA and CDC should offer regular trainings to schools on how to complete the School Health Index. The Alliance for a Healthier Generation Healthy Schools Program is another opportunity for schools to assess their progress (<https://schools.healthiergeneration.org/contact-us/national-recognition-application-faqs/>).

In the actual rule, the USDA should offer some specific examples of other school-based activities that promote a healthy school environment. "Examples include, but are not limited to..."

Nutrition Guidelines for All Foods

We fully support coordination and alignment with the USDA meal and Smart Snack standards. Recently, the Alliance for a Healthier Generation product calculator (<https://schools.healthiergeneration.org/focus-areas/snacks-and-beverages/smart-snacks/product-calculator/>) was developed to help schools implement these standards and hopefully will be included in USDA resources and toolkits that support local wellness policies. We also support that the local wellness policy should include promotion of information such as school menus on

school websites, school meal program participation and compliance, onsite/offsite preparation, meal duration, and the availability of free drinking water throughout the school day and during school meals. Students should have adequate seat time to enjoy a nutritious meal. Through our work in the Voices for Healthy Kids initiative, we are advocating that states extend the USDA standards beyond the school day to cover after school activities (except where there are a majority of adults present).

Nutrition Standards for Other Foods Available to Students

We are pleased that LEAs are encouraged to describe whether and how their food and beverage offerings comply with the new meal and Smart Snack standards.

The Special Nutrition Program Operations Study (SN-OPS) is a multiyear study designed to provide the USDA's Food and Nutrition Service (FNS) with a snapshot of current State and School Food Authorities (SFA) policies and practices, and a baseline for observing the improvements resulting from the implementation of the Healthy and Hunger Free Kids Act. This study should provide important feedback to USDA that can then be translated into resources and toolkits that support local school wellness policies.

Policies for Food and Beverage Marketing

The American Heart Association is extremely pleased that the proposed rule is making such an important statement around the inclusion of standards for food marketing and advertising in schools in local wellness policies. Advertising and marketing to children in schools requires special consideration because the food industry is reaching children in a closed environment where parents have little or no oversight or ability to consent, and because students should have a learning environment free of commercial influence and pressure. We agree that the Smart Snack standards should be used for food marketing to maintain consistency with the school food sales environment and to avoid confusion.

We encourage USDA to assure LEAs are free to implement more stringent standards for marketing. For example, LEAs could extend the marketing standards beyond the school day, and they could choose to use their local or state competitive foods standards if those standards go beyond the Smart Snack standards. This would allow LEAs to align their sales standards with their marketing standards. LEAs should also assure that their marketing policy is consistent throughout the school environment and congruent with any other related stand-alone policies.

The food marketing and advertising section in the final rule should be expanded to define marketing and advertising and to provide specific examples of the types of marketing that occurs in schools such as:

- signs, scoreboards, or posters
- curricula, textbooks, websites promoted for educational purposes, or other educational materials (ex. coolmathgames.com)
- vending machines, food or beverage cups or containers, food display racks, coolers
- equipment, uniforms, school supplies (ex. pencils, notebooks, textbook covers)
- advertisements in school publications, on school radio stations, in-school television, computer screen savers and/or school-sponsored Internet sites, or announcements on the public announcement (PA) system (ex. Channel One)

- fundraisers and corporate-sponsored programs that encourage students and their families to sell, purchase or consume products and/or provide funds to schools in exchange for consumer purchases of those products (ex. McTeacher's night, Labels for Education, Box Tops for Education)
- corporate incentive programs that provide children with free or discounted foods or beverages (ex. Pizza Hut Book It! Program)
- sponsorship of materials, programs, events, or teams
- market research activities
- corporate-sponsored scholarships
- free samples, taste-tests, or coupons

AHA, through our Voices for Healthy Kids initiative, encourages schools to adopt policies that prohibit the advertising of corporate brands unless every food and beverage product manufactured, sold, or distributed under the corporate brand's subsidiaries and affiliated corporations can be served or sold on the school campus during the school day. We also refer you to AHA's policy position on marketing and advertising in schools (Appendix B).

To support the final rule, USDA should have model policies (See Appendix C for sample food marketing policies in different states) and resources readily available. These resources should include data and references about the effects of marketing on school revenue, to assist schools that are concerned about possible financial ramifications.

We encourage additional research to assess the current and ongoing impact of marketing in schools and to allow assessment of the rule's implementation. When USDA staff conducts school-level observations, the reporting should include a component on school marketing. It is very important to have observational level data, which can be used to inform USDA's work in providing resources to schools to improve their policies and policy implementation. Additionally, food marketing policies should be incorporated into the HealthierUS Schools Challenge. In the Alliance for a Healthier Generation's Healthy Schools program, having a food marketing policy is integrated into the gold level recognition.

Informing the Public

Under the proposed rule, LEAs are required to provide periodic and detailed public notices on the LEA's wellness policy. We strongly support this provision and we feel it will improve implementation, accountability, and transparency and consequent impact of the local school wellness policy.

Implementation, Assessment and Updates

LEAs must issue a detailed annual progress report, as well as triennial assessments. We recommend that the Agency more thoroughly clarify for LEAs the difference between the progress report and the triennial assessment. We envision the triennial assessment as an opportunity to do strategic planning around local wellness policies and we request that USDA encourage LEAs to incorporate their wellness policy implementation into the school district and school level strategic plan, further enhancing implementation, impact and accountability. We also believe USDA should encourage LEAs to update their policy every three years in context with the triennial assessment. We envision the one year progress reports as an opportunity for the

wellness committee to check in and assess how well they are accomplishing implementation and if there needs to be any mid-course adjustments.

USDA should also offer more detail in the preamble and in accompanying resources and model language about what constitutes minimally acceptable reporting and what would be ideal. We recommend the Bridging the Gap Local School Wellness Policies 2013 Report as a resource for informing the reporting requirement.^{viii} USDA should also review the reporting of what is happening at the school level and use this as an opportunity to provide more specific guidance, technical assistance and resources to LEAs.

We support USDA's recommendations around recordkeeping, technical assistance and offering resources that promote best practices. These should be widely available and easily accessible. We have provided examples throughout our letter of resources that could be included for schools.

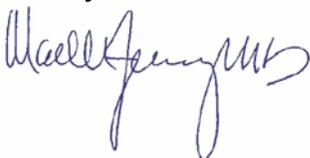
We support the requirements around compliance review and record-keeping as an opportunity to be transparent in the assessment. To avoid added burden on schools, USDA should clarify that record-keeping is the same as assessment, the only difference being that the assessment is communicated out to the agencies and public. Additionally, as mentioned in the opening of our comment letter, we urge USDA to accurately define what a wellness policy is for this final rule, incorporating the board-approved policy as well as the details of the policy that are generated by the Superintendent regulations or school level specifics on how the policy will be implemented.

Summary

In conclusion, we commend USDA for developing a robust rule for local school wellness policies that will strengthen the existing regulation and lead to more effective leadership, implementation, stakeholder involvement, accountability, assessment, and transparency. We have outlined resources that we can contribute and we are pleased that USDA will be providing robust model policies, toolkits, and technical assistance. We urge you to add further definitions in the actual rule for each of the key areas and to be specific about timelines for implementation and regular update of the LEA's wellness policy. We hope you will provide further guidance to schools on reporting requirements and use this reporting to inform your work in supporting LEAs on wellness policies. We are glad to serve as a resource if we can be of any help as you support LEAs in strengthening their wellness policies.

If you have any questions or need any additional information related to our comments, please do not hesitate to contact Laurie Whitsel, Ph.D., Director of Policy Research at 724-238-0272 or via e-mail at laurie.whitsel@heart.org.

Sincerely,



Mariell Jessup, M.D., FAHA
President
American Heart Association

ⁱ National Research Council. *Nutrition Education in the K-12 Curriculum: The Role of National Standards: Workshop Summary*. Washington, DC: The National Academies Press, 2013.

ⁱⁱ Institute of Medicine. *Accelerating Progress in Obesity Prevention. Solving the Weight of the Nation*. May 8, 2012. <http://iom.edu/Reports/2012/Accelerating-Progress-in-Obesity-Prevention.aspx>.

ⁱⁱⁱ Kriemler S, Zahner L, Schindler C, Meyer U, Hartmann T, Hebestreit H, Brunner-La Rocca HP, van Mechelen W, Puder JJ. Effect of school based physical activity programme (KISS) on fitness and adiposity in primary schoolchildren: cluster randomised controlled trial. *BMJ*. 2010;340:c785.

^{iv} Harris KC, Kuramoto LK, Schulzer M, Retallack JE. Effect of school-based physical activity interventions on body mass index in children: a meta-analysis. *CMAJ : Canadian Medical Association journal = journal de l'Association medicale canadienne*. 2009;180:719-726.

^v Jago R, McMurray RG, Bassin S, Pyle L, Bruecker S, Jakicic JM, Moe E, Murray T, Volpe SL. Modifying middle school physical education: piloting strategies to increase physical activity. *Pediatric Exercise Science*. 2009;21:171-185.

^{vi} Jansen W, Borsboom G, Meima A, Zwanenburg EJ, Mackenbach JP, Raat H, Brug J. Effectiveness of a primary school-based intervention to reduce overweight. *International journal of pediatric obesity : IJPO : an official journal of the International Association for the Study of Obesity*. 2011;6:e70-77.

^{vii} McKenzie, T. L., Sallis, J. F., & Rosengard, P. (2009). Beyond the stucco tower: Design, development, and dissemination of the SPARK physical education programs. *Quest*, 61, 114-127.

^{viii} Bridging the Gap. *Local School Wellness Policies*. 2013.

http://www.bridgingthegapresearch.org/asset/13s2jm/WP_2013_report.pdf

APPENDIX A:

Policy Recommendations for Physical Education and Physical Activity in Schools

- Require all school districts to develop and implement a planned, K-12 sequential physical education curriculum that adheres to national and state standards for health and physical education.
- Require all schools districts to provide all students with 150 minutes per week of physical education in elementary schools and 225 minutes per week in middle schools and high schools.
- School-age children should accumulate at least 60 minutes per day of physical activity and avoid prolonged periods of inactivity. The key method for achieving this goal is physical education supplemented by additional opportunities for physical activity before, during and after the regular school day.ⁱ
- Require physical education credit(s) for graduation from high school with appropriate accommodations and considerations for children with disabilities and medical conditions.
- Require that students be active in moderate-vigorous physical activity for at least 50% of physical education class time.
- School districts and schools should complete comprehensive self-assessments of their physical education programs using existing tools. The results of the assessment should be integrated into the district or school's long-term strategic planning, school improvement plan, or school wellness policy, to address the quality and quantity of physical education offered.
- School districts and schools should report the findings of their assessment to parents and members of the community through typical communication channels such as websites, school newsletters, school board reports, and presentations.
- Hire a physical education coordinator at the state level to provide resources and offer support to school districts across the state. Hire a physical education coordinator in the school district to provide support to physical educators in the school district.
- Offer regular professional development opportunities to physical education teachers that are specific to their field and require teachers to keep current on emerging technologies, model programs, and improved teaching methods.
- Require physical education teachers to be highly-qualified¹ and certified per state requirements.
- Add requirements for fitness, cognitive and affective assessment in physical education that are based on student improvement and knowledge gain. Student assessments should be aligned with state/national physical education standards and the written physical education curriculum.
- Assure that physical education programs have appropriate equipment and adequate facilities. Require class size consistent with other subject areas.

¹ "Highly-qualified" is defined by the No Child Left Behind Act as fully certified and/or licensed by the state, holding at least a bachelor's degree from a four-year institution, and demonstrating competence in each core academic subject area in which the teacher teaches.

- Disallow automatic waivers or substitutions for physical education. Disallow the ability of states and school districts to assign or withhold physical activity as punishment.
- Do not allow waivers for students with disabilities, but rather allow modifications or adaptations that allow physical education courses to meet the needs of disabled students. Do not allow students to opt out of physical education to prepare for other classes or standardized tests.

ⁱ Institute of Medicine. Accelerating Progress in Obesity Prevention. Solving the Weight of the Nation. May 8, 2012. <http://iom.edu/Reports/2012/Accelerating-Progress-in-Obesity-Prevention.aspx>.

APPENDIX B:



Summary Policy Position of the American Heart Association Food Marketing and Advertising to Children in Schools

Background: The food and beverage industry in the United States views children and adolescents as a major target in the marketplace for their spending power, purchasing influence and the ability to build brand awareness and brand loyalty.ⁱ Also, young children grow into future adult consumers. Television and other electronic media are a pervasive influence on children's lives in the United States. Young people see more than 40,000 advertisements per year on television alone.ⁱⁱ They are also bombarded with carefully crafted marketing tactics employed in multiple environments such as the Internet, magazines, schools, product placement, incentive programs, video games, social networking sites, podcasts, and cell phones. The foods marketed to children generally are high in sugar and fat, and are often inconsistent with national dietary recommendations. The American Heart Association sees no ethical, political, scientific, or social justification for marketing and advertising low-nutrient, high-calorie foods to children and supports efforts to diminish this practice in the United States.

Association Position: The American Heart Association supports measures that restrict food advertising and marketing to children including, but not limited to allowing only healthy foods to be marketed and advertised to children, discouraging the product placement of food brands in multiple media technologies, eliminating the use of toys in unhealthy kids' restaurant meals, using licensed characters on only healthy foods, and not allowing unhealthy food and beverage advertising and marketing in schools, on school buses, or on educational materials. The intended effect of advocating for these positions is two-fold: to improve children's dietary behaviors by reducing the consumption of low-nutrient, high-calorie foods, while promoting consumption of healthy food and beverages.

Special Considerations for the School Environment: Advertising and marketing to children in schools requires special consideration because the food industry is reaching children in a closed environment where parents have little or no oversight or consent and students should have a learning environment free of commercial influence and pressure. A majority of schools and states do not have any policies about commercial marketing activities in schools.¹ Several national organizations and advocacy groups for youth, including Consumers Union and Children Now, are concerned about the growing rate of marketing and advertising in schools, noting that children's health should not be compromised for the need for revenue.

It is extremely important that children receive quality nutrition education and that healthy foods are offered and promoted in school meals, foods and beverages sold in the cafeteria, vending machines, school stores and fundraisers. Comprehensive nutrition education and promotion, high quality physical activity and physical education have proven successful in improving health and preventing obesity, most importantly in low income students^{iii,iv} and are

an important part of the school environment. It is very important that schools and organizations conducting programmatic work in the school environment consider limits on food advertising and marketing. The following points are intended as some guidance:

- Brand placement does qualify as marketing and advertising in schools. Food companies have developed a wide array of strategies to target children in the school environment including reading clubs, lunch menu posters, advertisements on school buses, textbook covers, lesson plans/education curriculum, bookmarks, sampling programs, report card reward programs, and incentive programs.
- Only consider working with companies where the predominant number of products in their portfolio meet the American Heart Association's Heart Check criteria and are in line with the Dietary Guidelines for Americans. Consider limiting primarily to fruits and vegetables. Evaluation of the Fresh Fruit and Vegetable Program in Schools as well as school garden programs show that children exposed to these programs have more familiarity with fruits and vegetables, they consume these healthy foods more often, they are more willing to try new fruits and vegetables, and they promote these foods at home to their parents.^{v,vi,vii} These kinds of healthy food promotion programs can have an impact on children's diet and lifestyle choices and may help reverse our obesity epidemic in the future.
- Major retailers do play an important role in increasing access to healthy foods and are acceptable. Convenience stores/corner stores should be avoided since many are selling a large amount of unhealthy foods, marketing tobacco products, and do not have fresh fruit and vegetables readily available in their stores. In some areas of the country, there are healthy corner store initiatives, so these would have to be considered on a case-by-case basis.
- Fast food restaurants are discouraged since these chains are working intensely to enter the school meal program and have a presence on school campuses. Their offerings are predominantly less healthy. The association's position in this area may evolve as we continue to develop our restaurant recognition program and evaluate the quality of meals served to children in relation to our Heart Check criteria.
- Commodity boards generally may complement school nutrition education programs and commodities offered in school meal programs. These efforts should only include commodities that fall within the American Heart Association's Diet and Lifestyle Recommendations and Dietary Guidelines for Americans.
- Schools and organizations should be especially sensitive to marketing/branding on nutrition education curriculum as that branding will negatively impact the credibility of the content and can be viewed merely as advertising.

ⁱ Story M., French S. Food Advertising and Marketing Directed at Children and Adolescents in the US. *Int J Behav Nutr Phys Act.* 2004; **1**: 3.

ⁱⁱ Committee on Communications, American Academy of Pediatrics. Children, adolescents, and advertising. *Pediatrics.* 2006; **118**:2563-2569.

ⁱⁱⁱ Madsen KA. et al., Physical activity opportunities associated with fitness and weight status among adolescents in low-income communities. *Arch Pediatr AdolescMed.* 2009; **163**(11):1014-1021.

^{iv} Foster GD, Sherman S, Borradaile KE, Grundy KM, Vander Veur SS, Nachmani J, Karpyn A, Kumanyika S, Shults J, A policy-based school ntervention to prevent overweight and obesity. *Pediatrics* 121:4(e794-802)2008 Apr

^v Hoffman, J. A., Franko, D. L., Thompson, D. R., Power, T. J., & Stallings, V. A. (2009). Longitudinal behavioral effects of a school-based fruit and vegetable promotion program. *Journal of Pediatric Psychology*, E pub May 13, 2009 doi:10.1093/jpepsy/jsp04.

^{vi} Blanchette, L., & Brug, J. (2005). Determinants of fruit and vegetable consumption among 6-12-year-old children and effective interventions to increase consumption. *Journal of Human Nutrition and Dietetics*, **18**, 431-443.

^{vii} McAleese, J. D., & Rankin, L. L. (2007). Garden-based nutrition education affects fruit and vegetable consumption in sixth-grade adolescents. *Journal of the American Dietetic Association*, **107**, 662-665.

Appendix C:

Sample Food Marketing Policies

District Takes Advantage of “Roadmap” for Healthier Snacks HALL COUNTY SCHOOL DISTRICT | GEORGIA

When Jacob Weirs left his physical education teaching job in Fulton County to become the district wellness coordinator in Hall County, he decided to take the Alliance for a Healthier Generation’s Healthy Schools Program with him. “I wanted the Alliance to be Hall County’s foundation for healthy changes,” he said. In 2011 Weirs recruited 25 schools in Hall County to join the Healthy Schools Program, and the schools got to work with the goal of becoming healthier places for students and staff.

“The way the Alliance does it is right on,” explained Weirs. “We didn’t have any health efforts in place at the time, and we needed to know what a healthy school should look like. The Alliance gave us the road map, the tools and the recognition. They helped us identify where we were currently, where we were we going and what incentives we needed to get there. The Alliance made it so easy.”

For Weirs, who was named a Healthy Schools Program National Ambassador for his efforts in Fulton County, the biggest challenge in the first year of his new role in Hall County was getting sports drinks out of the elementary schools. The schools were reluctant to switch to water only, assuming it would impact sales. Weirs found seven schools that were willing to pilot the switch, while the rest watched. He asked them to switch for one month and then to report back. “Some schools didn’t see a dip and others decided they didn’t need that revenue stream because of other, healthier fundraisers, such as fun runs.” Eventually the rest realized it wasn’t a big deal, and they made the switch.

During the next year Weirs encouraged the schools to think about classroom celebrations. Spout Springs Elementary school offered to test the water. Bracing for parent push-back, the school sent home what they now refer to as the “cupcake letter.” It outlined the new policy that said outside food was only going to be allowed in for two parties a year. “We had more parents thanking us than pushing back,” he said.

Then Weirs turned to the a la carte ice cream sales in the cafeteria. Although there were principals concerned about losing the revenue, he found two schools willing to try it out. They contacted the vendor and asked for the nutritional information for all possible products. Then he used the Alliance’s Product Calculator and found four new options that were compliant and seemed attractive. “That turned out to be an easy switch,” he said.

Although he hasn’t been able to convince all schools in the district to make these changes yet, he believes that the ones that have been willing to make these changes have shown others that it can be done. He believes there is now more support at the district level for passing stronger

policies that will reach all schools. And he believes that the new federal Smart Snack guidelines will help principals make these changes without opening themselves up for complaints. Some middle schools are starting to work on changing options in the school stores now. Weirs offered to help East Hall Middle School make the switch by using grant funding to purchase all of the healthy foods for them upfront. "I made it instantly profitable for them so they had nothing to lose," he said. Weirs said that the students do buy the healthier items. "I bought them 450 bottles of water and they sold out by 10 a.m. The healthier pretzels? Sold out. They had to call me and ask for more. Students will buy what is there!"

The hardest part has been finding the products to purchase from the local stores as he is not able to purchase items through the food service contract. He hopes that the Smart Snack guidelines will help increase variety and availability of healthy snacks.

Spout Springs Elementary has become what Jake calls "the model for a healthy school." Teacher Tom Adams is leading the effort to become the first school in the South to receive the Gold National Recognition Award from the Alliance this year. In order to reach that level they needed to address food marketing in the school. Although they only sell water, the machine has a soda logo on it. The school also has a freezer in the cafeteria that holds the healthier items but has less healthy items pictured on the outside. They are working with the companies to switch the machines, but in the meantime they are covering them with paper and are encouraging students to pledge to drink more water and to be more physically active.

Jacob's Recipe for Success:

- 1) Try to find items that you can sell for a higher profit margin.
- 2) Don't present a problem without the solution. Make it easy by telling them exactly what to buy, give them a sample letter to send home to parents, show examples of healthier fundraisers that other schools have used, etc.
- 3) Listen to people's concerns, and then ask for a chance to prove them wrong!

PUBLIC SOLICITATIONS/ADVERTISING ON SCHOOL PREMISES

No outside organization or individual shall solicit funds, promote contests or other events or advertise on school premises without first obtaining Board approval. Requests for approval shall be submitted, in writing, to the district administrator for Board consideration.

LEGAL REF.: Wisconsin Statutes: 118.12

APPROVED: November 18, 2002

Policy 850 - Advertising and Promoting on School Premises

SCHOOL DISTRICT OF THE MENOMONIE AREA

POLICY 850, ADVERTISING AND PROMOTION ON SCHOOL PREMISES

Schools shall not be used for advertising of commercial products or activities, except as approved by the district administrator.

Equipment or materials containing advertising of a service, product or activity may be approved for school use by the district administrator if the educational value or savings to district taxpayers warrant such approval. Competing commercial enterprises, upon their request, shall be afforded equal opportunity to offer equipment or materials for such approval.

No advertising for alcoholic beverages, tobacco, or other harmful substances may be accepted for any school or school publication. No branded resources or materials offered by tobacco or alcohol manufacturers, wholesalers, or retailers whose primary business (as defined by licensure provisions) is the sale of alcohol or tobacco, may be accepted by any school or its affiliates. Resources include, but are not limited to, curriculum and funding.

Administrators shall annually, after the close of each school year, submit to the district administrator a summary of all equipment or materials containing advertising of a service, product or activity at their respective educational sites or areas. These summaries shall be submitted to the Board of Education for review.

Announcements of activities that are cultural or recreational and sponsored by school-related organizations or noncommercial organizations may be made on the school public address system, or be posted or disseminated.

Principals shall regulate the posting or other dissemination of announcements by school personnel. Any equipment or materials containing advertising shall be submitted to the district administrator's office for approval prior to acceptance.

LEGAL REF.: Section 118.12 Wisconsin Statutes

CROSS REF.: 524, Staff Solicitations

APPROVED: February 12, 1990

REVISED: April 14, 2003

/s/Margaret Breisch
Clerk

ADVERTISING AND COMMERCIAL ACTIVITIES

This policy provides guidance for the appropriate and inappropriate use of advertising or promotion of commercial products or services to the students and parents in the school.

“Advertising” comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public’s attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The Board may permit paid commercial advertising in school district facilities or on school district property in the following categories or forums in accordance with the parameters set forth herein:

A. Product Sales

1. Product sales benefiting a district, school or student activity (e.g. The sale of beverages or food within schools);
2. Exclusive agreements between the district and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. Pouring rights contracts with soda companies);
3. Fundraising activities (e.g. short-term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. Direct Advertising / Appropriation of Space

1. Signage and billboards in schools and school facilities
2. Corporate logos or brand names on school equipment (e.g. Marquees, message boards or score boards);
3. Ads, corporate logos, or brand names on book covers, student assignment books, or posters;
4. Ads in school publications (newspapers and yearbooks and event programs);
5. Media-based electronic advertising (e.g. Channel one or internet or web-based sponsorship);
6. Free samples (e.g. of food or personal hygiene products).

C. Indirect Advertising

1. Corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts;
2. The board approves the use of instructional materials developed by commercial organizations such as films and videos, only if the education value of the materials outweighs their commercial nature;

The films or material shall be carefully evaluated by the school principal for classroom use to determine

whether the films or materials contain undesirable propaganda and to determine whether the materials are in compliance with the guidelines as set forth above.

D. Market Research

1. Surveys or polls related to commercial activities;
2. Internet surveys or polls asking for information related to commercial activities; Board of Education Relations
3. Tracking students' internet behavior and responses to questions calling for personal identification at one or more websites.

It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public, or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising guidelines set forth below.

General Advertising Guidelines

The following guidelines shall be followed with respect to any form of advertising on school grounds:

- A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the District's educational standards and goals.
- B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.
- C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.
- D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.
- E. No advertisement may contain libelous material.
- F. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.
- G. No advertisement shall be false, misleading or deceptive.
- H. Each advertisement must be reviewed in advance for age appropriateness.
- I. Advertisements may be rejected by the District if determined to be inconsistent with the educational objectives of the District, inappropriate, or inconsistent with the guidelines set forth in this policy.
- J. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.
- K. Students shall not be required to advertise a product, service, company or industry.
- L. The Superintendent is responsible for screening all advertising.

M. The Superintendent may require that samples of advertising be made available for inspection.

N. The inclusion of advertisements in school district publications, in school district facilities, or on school district property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.

O. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

Written Contract for Placement

All advertising agreements between the District and an outside entity shall be in writing, shall specify all relevant terms, and must be approved by the Board prior to placement of advertisements.

The contracts shall contain at a minimum the following clauses:

A. District authority over content and placement of advertisement;

B. Authority of District administration to view and approve all materials prior to actual placement;

C. Specific provisions regarding financial terms, timing of payment, hold harmless clause in the event of a lawsuit against advertiser that requires removal of advertisement prior to expiration of contract.;

D. Warranty regarding intellectual property and indemnification against alleged violations of trademark or copyright protections by third parties.

The Superintendent shall negotiate all such agreements with the advertiser.

Accounting

Advertising revenues must be properly reported and accounted for.

Adopted 04/21/08

	<p>SECTION: K – School – Community Relations DIVISION: KI/KJ – Advertising & Promotion: Relations Between Public & Students</p>	
	<p>POLICY: KI/KJ – ADVERTISING AND PROMOTION: RELATIONS BETWEEN PUBLIC AND STUDENTS</p>	<p>APPROVED 11/25/1980</p> <p>REVISED 11/04/1985 01/13/1987 01/11/2000 19/25/2006 02/26/2007</p> <p>REVIEWED 08/11/2008 05/11/2009 04/26/2010 09/12/2011</p>

Legal Reference: Wisconsin Statute Section 118.12

Cross Reference: KC – Channel 98 & District WEB Site; EFA – Health & Wellness; Brewery Parking Lot Sale Agreement and Sign Easement Agreement

The Board endorses the concept of community partners in education. It shall be the policy of the District to encourage student activities conducive to good health, effective citizenship, high morale, effective learning, and exemplary moral and ethical standards.

Various non-school organizations, private and public, profit and nonprofit, often seek to have materials distributed to students and staff for charitable events, fundraising, advertising, contests and other such activities. The following guidelines govern the distribution of such materials:

1. Equipment or materials containing advertising of a service or product may be approved for school use by the District Administrator or his/her designee if the educational value or savings to the District taxpayers warrant such approval.
2. Use of the School District of Monroe name or a derivative of it may be approved for use in conjunction with a commercial product by the District Administrator or his/her designee if the educational value or savings to the district taxpayers warrant such approval.
3. To ensure that student or school personnel are not exploited in efforts to gain financial support by these organizations, the District shall not permit direct solicitations. Charitable fundraising organizations may seek exception through the building principal or designee authorization.
4. Announcements of activities that are cultural or recreational and sponsored by school-related organizations or noncommercial organizations may be made on the school public address system or be posted or disseminated with the Building Administrator's approval.
5. Vending machines dispensing food or beverages to students are permitted at the discretion of the Building Administrator provided the vending program is not competing with the school food service program.
6. The District will allow contractual relationships with vendors to merchandise products to students and personnel for the purpose of facilitating group purchasing (examples might be class rings, yearbooks, photographs, and other group purchases of products and services).
7. School publications may accept and publish paid advertising under established procedures.

8. No advertising material may be distributed to students that in the opinion of school authorities would contribute to the personal gain of an individual, business or company except as follows:
 - A. Educational material used by staff for educational purposes.
 - B. Samples, calendars, supply catalogs, etc. that may be distributed to staff for study, purchasing or routine classroom use with administrative approval.
9. No advertising for alcoholic beverages, tobacco or other harmful substances may be accepted for any school or school publication. This does not prohibit advertising from an establishment whose business is not primarily dependent upon the sale of alcohol or tobacco products (i.e. restaurant, bowling alley, grocery store).
10. Schools in the District may sell instructional supplies or materials and school club or activity promotional materials to students and the community subject to the following procedures and guidelines:
 - A. The instructional program warrants the sale of the supplies or materials.
 - B. The price of the item or materials is economically advantageous for the student.
 - C. A list of instructional supplies that are being sold by the school shall be on file with the Building Administrator,
 - D. School personnel, such as school employees or private individuals, shall not sell supplies or materials to students.
 - E. No particular source or brand of school supplies or materials shall be designated to students under any circumstances.
 - F. The Building Administrator shall be responsible for accounting for these funds and any proceeds shall be used for student purposes.
11. Channel **98** is governed by a separate Policy. (See Policy KC)

No non-school organization or individual shall use school property and/or facilities of the school system for selling and advertising without first obtaining administrative approval.

The provisions of this policy do not apply to the brewery sign on the District property immediately east of, and adjacent to, the brewery which is governed by a perpetual sign easement granted to Mountain Crest, SRL, doing business as Huber/Minhas Brewing Company.