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October 22, 2013

U.S. Department of Agriculture
Child Nutrition Division
3101 Park Center Drive
Alexandria, VA 22302

Re: Docket No. FNS-2011-0019

Dear Sir or Madam:

On behalf of the American Heart Association (AHA), including the American Stroke Association (ASA) and over 22.5 million AHA and ASA volunteers and supporters, we appreciate the opportunity to provide comments on the Nutrition Standards for All Foods Sold in Schools interim final rule.

AHA strongly supports the nutrition standards adopted in the interim final rule. For the first time, foods and beverages sold in a la carte lines, vending machines, school stores, and snack bars will be held to strong nutrition standards. Under the new standards, children will no longer be able to purchase foods that are high in fat, sodium, sugar, and calories and low in nutritional value. Instead, students will find more fruits, vegetables, and whole grains, which are key components of a healthy diet. Providing children with these healthier foods will provide children with the nutrition they need, help create optimal learning environments, and reinforce parents' efforts to foster healthy eating habits.

We are aware, however, that the USDA has received a few requests to revise several of the new standards including expanding the exemption for National School Lunch Program/School Breakfast Program (NSLP/SBP) entrees sold a la carte, increasing the calorie limits and portion sizes for foods and beverages, and raising the sodium limits to NSLP levels. We disagree with these suggestions and caution the Department from making these changes. As noted above, AHA supports the standards as they currently stand; however, if the USDA were to revise them, we believe the Department should *strengthen* the standards, not weaken them as some commenters have proposed.

NSLP/SBP Exemption for Entrees Sold a la Carte

Under the interim final rule, entrees provided as part of the NSLP/SBP school meal are exempt from the competitive food nutrition standards, but only on the same day the entrée is served in the NSLP/SBP and the following school day. While AHA

would have preferred that the Department not provide an exemption for NSLP/SBP entrée items – we believe that all foods sold in the competitive foods program should be required to meet the competitive foods nutrition standards – we understand the rationale behind the USDA’s decision. Allowing schools to serve NSLP/SBP entrees as a la carte dishes, but limiting the frequency, is a reasonable compromise to address school concerns about leftovers. We strongly disagree, however, with commenters who have requested that the USDA expand the exemption and allow all NSLP/SBP foods – both entrée and side dishes – to be served as part of the competitive foods program and without any frequency restriction.

As explained in our April 2013 comments on the proposed rule, although entrees and side dishes sold as part of the NSLP/SBP are required to meet the school meals nutrition standards, these standards are inadequate when applied to foods sold a la carte where there is no requirement that children select a balanced meal. School meals are carefully designed by school nutrition professionals to contain items that create a balanced meal. The meals must include key nutrients while controlling for fat, sodium, and calories. When planning meals, schools balance the nutritional components of all food items in a lunch or breakfast across all meals over the week. This allows foods that may exceed the limits for fat, sodium, and calories to be included in a reimbursable meal when balanced with healthier sides. However, when such foods are sold individually, students get the negative nutrition components, such as sodium or sugars, without getting the positive nutrients from the rest of the components that balance the meal. Compounding this problem, when purchasing from a la carte lines, children can select more than one of these less healthful items.

For these reasons, we oppose any request to expand the exemption and remove the frequency requirement. We believe the current standard provides schools with sufficient flexibility and will not be a hardship to schools, and should not be weakened. If the USDA were to revise this provision of the rule, we would instead recommend that the NSLP/SBP exemption be eliminated altogether.

Calorie Limits/Portion Sizes

We understand that the USDA has received requests to increase the calorie limits for entrees (currently ≤ 350 calories) and side dishes/snacks (currently ≤ 200 calories), as well as to increase the calorie limits for flavored waters and low- and mid-calorie sports drinks and sodas sold in high schools. We disagree with these requests.

Maximum calorie limits are an integral component of the new standards. Increasing the calorie limits would place children at risk of consuming too many excess calories. Unlike the NSLP/SBP where students receive an entire meal that falls within a specific calorie range, students may select any combination of foods – and calories – from the a la carte line. Increasing the calorie limit for competitive foods would only increase the likelihood that students would choose and consume more than the recommended number of calories, undermining the Department’s efforts to address the childhood obesity epidemic.

We also oppose requests to increase the calorie limits for beverages. The calorie limits were put in place to eliminate high calorie beverages, including sugary drinks, which have been associated with weight gain and the development of dangerous visceral adiposity and ectopic fat deposition.¹

¹ VS Malik, et al. Sugar-sweetened beverages and weight gain in children and adults: a systematic review and meta-analysis. *Amer J Clin Nutr*. doi: 10.3945/ajcn.113.058362.

Instead of increasing the calorie limits for competitive foods and beverages, AHA would support strengthening the standards by *lowering* the maximum calorie limit for younger children and *lowering* the maximum calorie limit for flavored water, sodas, and sports drinks to ≤ 40 calories regardless of serving size. We would also support the establishment of maximum calorie limits for milk (≤ 130 calories per 8 oz serving) and juice (≤ 120 calories per 8 oz serving). As described in our April comments, we believe these changes would further improve the standards by recognizing, as the school meals program already does, that calorie needs vary by age and activity level; that children, particularly if they are sedentary, have few or no discretionary calories per day; and that schools should avoid serving versions of flavored milk or juice that are high in sugar and calories.

Sodium Limit

AHA is extremely pleased with the strong sodium limits contained in the interim final rule. The new standards, when combined with the gradual reduction that is happening in the school meals program, will help lower children's sodium intake.

We understand, however, that the USDA has received at least one request to revise the sodium standard so it is not "inconsistent" with the sodium standard contained in the school meals program. Although we agree that consistent standards may be easier for schools to implement, we are unsure how the Department could better create "consistent" sodium standards for the school meals and competitive foods programs. The sodium standards for the school meals program apply to an entire meal, while the sodium standards in the competitive foods program only apply to one component of a meal – a single entrée, side dish, or snack. Because the two programs set standards for foods differently – an entire meal versus an individual food item – the sodium standards cannot be the same; the sodium limits for food items in the competitive foods program must be lower.

We do not believe any changes to the sodium standards are necessary and we caution the Department against any revisions that would increase the amount of sodium food items could contain. As discussed in our April 2013 comments, 97% of children and adolescents currently consume too much sodium and this places them at risk of developing heart disease and elevated blood pressure at an earlier age.

Conclusion

In closing, we'd like to reiterate our strong support for the nutrition standards contained in the interim final rule. We appreciate the USDA's efforts to craft strong standards that will ensure that children have access to a wide array of healthy, nutritious foods at school.

To ensure that the standards bring positive changes to the school food environment, we urge the Department against making any changes that would undermine the competitive foods rule. We are concerned that several of the recommendations the USDA has received – expanding the exemption for NSLP/SBP entrees sold a la carte, increasing the calorie limits and portion sizes for foods and beverages, and raising the sodium limits to NSLP levels – would do just that, significantly weaken the standards and undermine the rule. Instead, we recommend that the Department focus on helping schools implement the new standards successfully, and only make changes that will strengthen the standards and improve the quality of foods served in schools.

If you have any questions or require any additional information, please contact Susan Bishop at (202) 785-7908 or susan.k.bishop@heart.org.

Thank you for consideration of our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mariell Jessup". The signature is fluid and cursive, with a large loop at the end.

Mariell Jessup, MD, FAHA
President
American Heart Association