



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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SUBJECT: Smart Snacks Standards for Exempt Foods when Paired Together

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) directed the Department of Agriculture (USDA) to establish nutrition standards for all foods and beverages sold to students on the school campus during the school day. On June 28, 2013, the Food and Nutrition Service (FNS) published the “Smart Snacks in School” (Smart Snacks) regulation that carefully balances science-based nutrition standards with practical and flexible solutions to promote healthier eating on campus. The Smart Snacks standards became effective July 1, 2014 and are codified at 7 CFR 210.11. The purpose of this memo is to clarify Smart Snacks standards for exempt foods that are paired together as a single snack.

The Smart Snacks standards provide exemptions for certain foods that are nutrient dense, even if they may not meet all of the specific nutrient requirements. For example, all fresh, frozen and canned fruits and vegetables that contain no additional ingredients are exempt from all of the nutrient standards because we want to encourage students to consume more of these foods. Similarly, peanut butter and other nut butters are exempt from the total fat and saturated fat standards, since these foods are also nutrient dense and primarily consist of healthier fats.

The regulation also addresses snacks that are “combination foods”. A combination food is a product that contains two or more foods representing two or more of the food groups: fruit, vegetable, dairy, protein or grains. When foods are combined, they no longer have any exemptions and must meet the nutrient standards that apply to a single snack.

However, the regulation does not specifically address the treatment of foods that are exempt from a Smart Snacks requirement when they are simply paired and packaged with other products (without added ingredients) that are also exempt from one or more of the Smart Snacks standards. We recognize that these “paired exemptions” are nutrient dense and contain foods that meet the intent of the Smart Snacks requirements.

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

“Paired exemptions” then are items that have been designated as exempt from one or more of the nutrient requirements individually and packaged together without any additional ingredients. We wish to clarify that such “paired exemptions” retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold.

Based on our research, exempted food items, when paired together, typically will not exceed the nutrient standards for total fat, saturated fat, trans fat, sugar, or caffeine. However, in order to ensure that such “paired exemptions” continue to meet the intent of the regulations, “paired exemptions” are required to meet the calorie and sodium limits for Smart Snacks. Please note that an entrée item sold a la carte may not qualify as a “paired exemption”. Below are examples of “paired exemptions” that may be served together as a Smart Snack:

- *Peanut Butter and Celery.* Peanut butter is exempt from the total fat and saturated fat requirements. When it is paired with a vegetable or fruit, such as celery, the paired snack retains the fat exemptions and may be served if it meets the calorie and sodium limits.
- *Celery paired with peanut butter and unsweetened raisins.* As noted above, celery and peanut butter both have exemptions. Similarly, dried fruit, such as unsweetened raisins, are exempt from the sugar limit. However, calorie and sodium limits still apply to the snack as a whole.
- *Reduced fat cheese served with apples.* Reduced fat cheese is exempt from the total fat and saturated fat limits. When it is paired with a vegetable or fruit, such as apples, the paired snack is only required to meet the calorie and sodium limits.
- *Peanuts and apples.* Peanuts are exempt from the total fat and saturated fat limits. When peanuts are paired with a vegetable or fruit, such as apples, the paired snack is only required to meet calorie and sodium limits.

A number of tools and resources are available to help school staff, parents, and students identify food items that meet the Smart Snacks criteria. Policy guidance and resource materials on Smart Snacks may be found at the Food and Nutrition Service website at <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks>. The site also includes many other practical resources, including a Smart Snacks calculator, a Smart Snacks fact sheet, ways to encourage children to make healthier snack choices, and many others to help schools create a healthier school environment by providing Smart Snacks.

As we begin a healthy start to this new school year, it is important that you share this information with your school food authorities as soon as possible. State agencies may direct any questions

Regional Directors

State Directors

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concerning this guidance to the appropriate Food and Nutrition Service Regional Office. We look forward to continuing our partnership with you to continue improving the nutrition of our Nation's children.

**Original Signed**

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Deputy Administrator

Child Nutrition Programs