

**CLIENT NEWS BRIEF**

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**REMINDER – NEW RESTRICTIONS ON FOOD AND BEVERAGES ARE EFFECTIVE ON JULY 1, 2009**

Beginning with Senate Bill (“SB”) 19 in 2001, and continuing through SB 677 in 2003, SB 965 in 2005 and SB 490 in 2007, the Legislature enacted a series of restrictions on the types of food and beverages that may be sold to students in California public schools. These bills are intended to help combat childhood obesity, and will ban, on a phased-in basis, the sale of sodas and other sweetened beverages on school campuses during school hours. The final step in the implementation of these restrictions occurs this summer, when all beverages sold on high school campuses must comply with the statutory nutritional requirements.

Currently, Education Code section 49431.5 requires that no less than 50 percent of all beverages sold to high school students during the school day and one-half hour before and after the school day must consist of:

- fruit or vegetable juice drinks that are at least 50 percent fruit juice with no added sweeteners;
- water without added sweeteners
- two-percent, one-percent or non-fat milk products, including soy, rice and similar non-dairy milks; or
- electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving.

Beginning on July 1, 2009, all beverages sold to high school students must be from the above categories. All beverages sold to students at middle or junior high schools from one-half hour before the school day to one-half hour after the school day are already required to be from the above categories. Beverages sold to students at elementary schools must also be from the above categories, with the exception that electrolyte replacement beverages are not permitted.

In addition to the new beverage restrictions, Education Code section 49431.7, which limits the provision of foods with more than minimal amounts of artificial trans fats, also takes effect on July 1, 2009. This section will prohibit a school or school district from making foods containing artificial trans fats available to students in kindergarten or any of grades 1 to 12, as well as prohibiting the use of artificial trans fats in the preparation of any food item provided to these

students. This prohibition generally includes those foods that are available to students either through a vending machine or in foods prepared by or for a school, but exempts any food provided as part of a United States Department of Agriculture meal program. The prohibition on access to foods containing trans fats applies during school hours or within one-half hour before or after school. Section 49431.7 states that a food contains artificial trans fats if “contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer’s documentation or the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 grams of trans fat per serving.”

Please contact any one of our seven statewide offices if you need more information about these food and beverage restrictions.

*As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.*

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