COMPETITIVE FOOD SERVICES AND VENDING MACHINES

Competitive Food Services

This policy is written and issued to implement the NH State Department of Education policy regarding competitive food services in schools. The authority for the state policy is found in paragraph 210.15b CFR Child Feeding Regulations Food and Nutrition Service, USDA.

The sale of extra food items at the same time and place as the non-profit lunch program is in operation in the school shall be restricted to those items recognized as making a contribution to, or permitted by the school to be served as part of, Type A lunch or a lunch meeting the requirements prescribed for commodity-only schools, and income from the sale of such food items shall be deposited to the account of the non-profit lunch program.

Food service operated for profit in the school, separate and apart from the non-profit lunch program, shall not operate at such time or place as will constitute competition with the non-profit lunch program.

A school food service is operated “for profit” if the income to such a food service is not:

A. deposited to the account of the school’s non-profit lunch program;
B. made a part of such account; and
C. expended only for the purpose of the school’s non-profit lunch program

During the lunch period when Type A lunch is offered for sale, any food or beverage items sold in the lunch room or its general environs must be:

A. sold on a non-profit basis;
B. limited to food or beverage items that make a contribution to a Type A lunch. This excludes carbonated beverages and most candy type confections.

The kinds of food items that may be sold at times after all the lunch period(s) are over is left to the discretion of the cafeteria director and concerned school authorities.

The sale of food items of any nature, prior to the luncheon service, is considered as being competitive with the non-profit lunch program. Sale of food includes sale from vending machines. The only exceptions are (a) sale of milk, (b) sale of fruit or ice cream providing revenues are deposited to the account of the non-profit lunch program.

Any “for-profit” food service during the designed lunch period is deemed to be a competitive food service. This includes bake sales, candy sales, etc. Therefore, such food service is prohibited subject to loss of reimbursement violation.
Nothing contained in the policy shall be construed to restrict the Salem School District from expanding its food service program to further benefit its student population, providing that it is non-competitive and operates as part of the overall school lunch program.

**Vending Machines**

Beverage vending machines for use after school hours, at athletic or special events, in secondary schools are authorized at the discretion of the school administrator provided the machines are not in competition with the established food service program and will not be used before school. Operation and financial management of these machines will be the responsibility of the administrator. The proceeds to be accounted for in the student activity fund.

Vending machines are authorized in teachers’ lounges subject to the approval and management of the school administrator.

No food or beverage vending machines other than authorized above are permitted in school buildings.