

**EXHIBIT D**  
**NEW YORK CITY AGENCY FOOD STANDARDS**

# New York City Food Standards

## Part I: Standards for Meals/Snacks Purchased and Served

*Revised October 2011*

This document outlines standards for food purchased and meals and snacks served, with the goal of improving the health of all New Yorkers served by City agencies. The New York City Food Standards aim to reduce the prevalence of chronic disease, such as obesity, diabetes and cardiovascular disease, by improving dietary intake.

The standards have been developed based upon agency feedback, review, and agreement. They do not apply to food available in vending machines,<sup>1</sup> or at concessions that provide food *for sale* through leases, licenses or contracts at City programs.

Agencies and their contractors are expected to follow the standards described in each of the four sections:

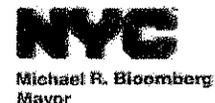
- I. Standards for Purchased Food  
Addresses food items purchased and gives specific standards by food category.
- II. Standards for Meals and Snacks Served  
Addresses the overall nutrient requirements for meals served and gives standards for snacks and special occasions.
- III. Agency and Population-Specific Standards and Exceptions  
Addresses standards for specific populations (e.g. children, seniors) and agencies. The additions and exceptions in the third section supersede the first two sections. For example, children under 2 years may be served whole milk, instead of 1% or nonfat milk required in the first section.
- IV. Sustainability Recommendations  
Addresses recommendations to support a healthy and ecologically sustainable food system.

The first two sections overlap: all purchased food items must meet the standards in Section I *and* must fit in to meals and snacks served such that the nutrient requirements in Section II are met. The purchased food standards ensure that agencies make healthier foods a regular part of people's diets and ensure that people who only eat a few items of each meal are still eating healthy options. The meal and snack standards ensure that people eating whole meals and snacks have a healthy, balanced diet.

All food purchased or served by a City agency must meet the **required** standards that appear in bold. Agencies are expected to be in compliance with the revised standards by October 31, 2012. Agency contractors are also required to comply with these Standards. This includes foodservice contractors, such as caterers, and programmatic contractors, that serve food within the context of the program.

The New York City Food Standards were made effective by Executive Order 122 from Mayor Bloomberg on September 19, 2008.<sup>2</sup> The Executive Order mandates that all City agencies follow the Standards for all foods that are purchased, prepared, and/or served by the agency, and/or agency contractors.

For more information, please contact: [nycfoodstandards@health.nyc.gov](mailto:nycfoodstandards@health.nyc.gov)



<sup>1</sup> Please see NYC standards for vending machines: [www.nyc.gov/html/doh/html/cardio/cardio-vend-nutrition-standard.shtml](http://www.nyc.gov/html/doh/html/cardio/cardio-vend-nutrition-standard.shtml)

<sup>2</sup> View the Executive Order at: [www.nyc.gov/html/ceo/downloads/pdf/eo\\_122.pdf](http://www.nyc.gov/html/ceo/downloads/pdf/eo_122.pdf)

## I. Standards for Purchased Food

These standards are defined per serving of food as shown on the product's Nutrition Facts label.<sup>3</sup>

### Nutrient Standards:

- Trans fat:
  - **Require** restriction consistent with DOHMH, City regulation and law.<sup>4</sup>
- Sodium:
  - **Require** all individual items contain  $\leq 480$  mg sodium per serving,<sup>5</sup> not including specific items stated in the Food Category Standards below. Recommend purchasing "low sodium" ( $\leq 140$  mg sodium per serving) whenever feasible.

### Food Category Standards:

- Beverages:
  - **Require**  $\leq 25$  calories per 8 oz for all beverages other than 100% fruit juice or milk.<sup>6</sup>
  - If purchasing juice, **require** 100% fruit juice.
- Dairy:
  - **Require** milk be 1% or non-fat, and unsweetened.<sup>7,8</sup>
  - **Require** fluid milk substitutes (e.g. soymilk) be unflavored.<sup>7</sup>
  - **Require** low-fat or non-fat yogurt.
  - Recommend purchase plain yogurt or yogurt with  $\leq 30$  g sugar per 8 oz or equivalent (e.g.  $\leq 15$  g sugar per 4 oz,  $\leq 23$  g sugar per 6 oz).
  - Recommend choose lower sodium cheese.
- Bread, pasta, and other grains:
  - **Require** sliced sandwich bread contain  $\leq 180$  mg sodium per serving, be whole wheat/whole grain and contain  $\geq 2$  g fiber per serving.
  - **Require** other baked goods (e.g. dinner rolls, muffins, bagels, tortillas) contain  $\leq 290$  mg sodium per serving.
  - Recommend purchase whole grain pasta, whole grain baked goods (dinner rolls, muffins, bagels, tortillas), brown rice, etc.
- Cereal:
  - **Require** cereal contain  $\leq 215$  mg sodium per serving,  $\leq 10$  g sugar per serving, and  $\geq 2$  g fiber per serving.<sup>9,10</sup>
- Fruits and vegetables:
  - **Require** canned/frozen vegetables and beans contain  $\leq 290$  mg sodium per serving.
  - **Require** fruit canned in unsweetened juice or water. No fruit canned in syrup.
- Tuna, salmon and other seafood:
  - **Require** canned/frozen seafood contain  $\leq 290$  mg sodium per serving.

<sup>3</sup> Serving size is based on FDA-established lists of "Reference Amounts Customarily Consumed Per Eating Occasion".

<sup>4</sup> For more information: [www.nyc.gov/html/doh/downloads/pdf/public/notice-adoption-hc-art81-08.pdf](http://www.nyc.gov/html/doh/downloads/pdf/public/notice-adoption-hc-art81-08.pdf)

<sup>5</sup> For agencies serving populations with a majority of the population over 50 years old, **require** all individual items contain  $\leq 360$  mg sodium per serving.

<sup>6</sup> For agencies serving a majority of children under 18 years, **require** beverages with no artificial sweeteners.

<sup>7</sup> For children ages 4-18 years, flavored milk and flavored fluid milk substitutes are permitted and **required** to be  $\leq 130$  calories per serving. Recommend that agencies continue to phase out flavored milk and flavored fluid milk substitutes over time. As per Article 47 of the New York City Health Code, child care facilities may not serve milk with added sweeteners.

<sup>8</sup> For children ages 12 months to under age two, **require** unsweetened whole milk.

<sup>9</sup> For child care facilities, **require** cereal contain  $\leq 6$  g sugar per serving in addition to sodium and fiber standards.

<sup>10</sup> Cereals that contain dried cranberries, dates, and/or raisins are exempt from the sugar standard due to the limited availability of this product type that meets the sugar standard. Cereals must still meet fiber and sodium standards. Recommend phasing out these high sugar cereals over time.

- Poultry:
  - **Require** canned/frozen poultry contain  $\leq$  290 mg sodium per serving.
- Beef and pork:
  - **Require** canned beef/pork contain  $\leq$  480 mg sodium per serving.
  - Recommend purchase "extra lean" beef and pork (total fat  $\leq$  5%) and at least 90% lean ground beef.
  - Recommend bacon contain  $\leq$  290 mg sodium per serving.
- Luncheon meat:
  - **Require** luncheon meat contain  $\leq$  480 mg sodium per serving.
- Condiments and sauces:
  - **Require** salad dressings contain  $\leq$  290 mg sodium per serving.
  - **Require** sauces contain  $\leq$  480 mg sodium per serving.<sup>11</sup>
  - Recommend use lower sodium condiments and sauces such as reduced sodium soy sauce.
- Portion controlled items and other convenience foods:
  - **Require** portion controlled items and other convenience foods such as breaded chicken, veal patties, frozen French toast and waffles contain  $\leq$  480 mg sodium per serving.
- Frozen whole meals:
  - **Require** frozen whole meals contain  $\leq$  35% of the daily sodium limit (adults:  $\leq$  805 mg, children:  $\leq$  770 mg, seniors  $\leq$  525 mg).

Note regarding **sodium standards** for purchased food:

In some instances successful sodium reduction requires gradual change to maintain product taste and quality. If an agency is purchasing non-compliant products that are essential to menu planning and that agency has demonstrated efforts to reduce the sodium in those products, the agency may continue to purchase those products with the deadline of reaching the sodium standards by October 31, 2012.

Note regarding **revised standards** for purchased food:

Agencies are expected to be in compliance with the revised standards by October 31, 2012. Technical challenges related to reformulation at the manufacturer's level may require a longer timeframe for compliance with the new requirements. In October 2012, agencies that are unable to meet the new standards will submit a list of items out of compliance, steps taken to achieve compliance, and expected timeline for full compliance to the Food Policy Coordinator and Health Commissioner.

Note regarding populations with religious or special dietary food needs:

If an agency cannot meet required purchased food standards due to a present lack of availability of food items that meet the specific needs of the population they serve (e.g. packaged kosher foods), the agency is expected to seek suitable replacements in the marketplace as quickly as is feasible. The agency must identify and report these products to the Food Policy Coordinator and the Health Commissioner.

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<sup>11</sup> Soy sauce is exempt due to lack of market availability for products that meet this standard. Recommend use reduced sodium soy sauce.

## II. Standards for Meals and Snacks Served

All City agencies must have a plan for regular menu review to ensure that they meet the nutrient content standards. Outlined in this section are standards for Nutrition, Meals Served, and Snacks Served.

### A. Nutrition Standards

These standards are based on the USDA's 2010 Dietary Guidelines for Americans.<sup>12</sup> Standards in chart are requirements for adult populations; see page 8 for children's standards.

Require the following daily nutrient standards:	
Nutrient	Adult
Calories	2,000 calories <sup>13,14</sup>
Sodium*	< 2,300 mg <sup>15</sup>
Sodium (> 50 years)	≤ 1,500 mg
Total Fat	≤ 30% of total calories
Saturated Fat	< 10% of total calories
Fiber	≥ 28 grams <sup>16</sup>
Recommend the following daily nutrient standards:	
Protein	10-35% of total calories
Carbohydrate	45-65% of total calories
Cholesterol*	< 300 mg
Potassium	4,700 mg
Calcium	1,000 mg
Iron	> 8 mg (18 mg F; 8 mg M)

\* Daily limit, regardless of total calorie intake

For agencies serving only one or two meals per day:

- **Require** each meal served meets appropriate range of calories, sodium and fiber: 25-30% for breakfast; 30-35% for lunch; 30-35% for dinner.<sup>17</sup>

Note regarding Nutrition Standards featured in the table above:

Although encouraged to follow the Nutrition Standards, contracted agency programs or sites that meet ALL four of the following requirements can be approved for exemption:

- Meals are prepared on site or by another similar program (e.g. a daycare center that prepares food for another facility); and
- Program does not have access to a City agency-employed nutritionist for regular menu review; and
- Program site regularly serves less than 200 people per meal; and
- Program is not part of a larger contract for food purchasing coordinated by a City agency.

<sup>12</sup> Available at: [www.cnpp.usda.gov/DGAs2010-PolicyDocument.htm](http://www.cnpp.usda.gov/DGAs2010-PolicyDocument.htm)

<sup>13</sup> **Require** calories are no more than 10% above or below the standard.

<sup>14</sup> Agencies serving the adult correctional population, **require** calories be kept to less than 2,200 calories for women and 2,800 calories for men. Agencies serving the youth detention population, **require** calories be kept to less than 2500 calories for males.

<sup>15</sup> **Require** agencies serving populations with a majority of children 6-18 years of age limit sodium to ≤ 2,200 mg per day. **Require** agencies serving populations with a majority of children 1-5 years of age limit sodium to ≤ 1700 mg per day. **Require** breakfast contain no more than 425 mg sodium; snacks contain no more than 170 mg sodium; lunch contain no more than 600 mg sodium; and dinner contain no more than 600 mg sodium.

<sup>16</sup> For agencies serving populations with a majority of children 4-18 years old, **require** fiber be ≥ 25 grams per day. For agencies serving children 1-4 years old, **require** fiber be ≥ 19 grams per day.

<sup>17</sup> The Department of Education, which has federal standards for minimum amount of calories served, may serve up to 785 calories for lunch, for grades 7-12 (in line with National School Lunch Program).

Exempt programs should strive to meet these Nutrition Standards through thoughtful menu planning. Should exemption be granted, programs must still comply with ALL other requirements of the NYC Food Standards.

Note regarding sodium and fiber meal standards:

If an agency does not meet the required nutrition standard for sodium or fiber, it is expected to meet the standard as quickly as is feasible with the deadline of reaching the standards by October 31, 2012.

## B. Meal Standards

- Fruits and vegetables:
  - **Require** minimum of two servings of fruits and vegetables per meal for lunch and dinner.
  - **Require** minimum of five servings of fruits and vegetables a day for agencies serving breakfast, lunch, and dinner.
  - For programs serving meals 5 days per week or less, **require** at least 3 servings of non-starchy vegetables weekly per lunch and per dinner.<sup>18,19</sup>
  - For programs serving meals more than 5 days per week, **require** at least 5 servings of non-starchy vegetables weekly per lunch and per dinner.<sup>18</sup>
  - Recommend serve fresh or frozen fruits and vegetables instead of canned.
- Beverages:
  - Water:
    - **Require** water be available at all meals (this can be in addition to or in place of other beverages regularly served). Tap water should be used if possible.
  - Fruit juice:
    - **Require** 100% fruit juice and portion size limited to ≤ 6 oz per serving.
    - **Require**, if provide meals, serve juice no more than one time per day.
    - **Require**, if provide snacks only, serve juice no more than 2 times per week.
- Food preparation and service:
  - **Require** no use of deep fryers;<sup>20</sup> no deep frying.
  - Recommend, to help ensure healthy portion sizes, establishment of program-specific guidelines for serving containers (e.g. size of food plates and beverage cups).

<sup>18</sup> Standard does not apply to programs serving one or two meals per week.

<sup>19</sup> Starchy vegetables include white potatoes, corn, green peas, and lima beans.

<sup>20</sup> Require that all new or renovated kitchens be built without deep fryers.

### C. Snack Standards

*Snacks should add important nutrients to the overall diet and help curb hunger.*

These snack standards are in compliance with the snack pattern requirements of the USDA's Child & Adult Care Food Program (CACFP) and are eligible for reimbursement with the exception of low calorie beverage choices for sites serving adults.

#### Overall Guidelines

- **Require** all items have 0 g trans fat.
- Recommend foods served be on the list of acceptable choices below or provide equivalent nutrient value (for example: melon slices substituted for a banana for the fruit category).
- Recommend water is available at all snack times.

#### Food Category 1: Dairy beverages

- **Require** milk be 1% or non-fat and unsweetened.<sup>21,22</sup>

#### Food Category 2: Fruit or vegetable

- **Require** juice be 100% fruit juice and portion size limited to ≤ 6 oz per serving.
- **Require**, if provide snacks only, serve juice no more than 2 times per week.
- Examples of acceptable choices: carrot sticks, celery sticks, pepper slices, salads, apples, bananas, pears, oranges, dried fruit, applesauce with no sugar added, and canned fruit in unsweetened juice or water.

#### Food Category 3: Bread or grain

- **Require** sodium ≤ 180 mg per serving for sliced sandwich bread.
- **Require** sodium ≤ 200 mg per serving for all crackers, chips, and salty snacks.
- **Require** sugar ≤ 10 g per serving.
- **Require** fiber ≥ 2 g per serving.
- Recommend all items served be whole grain.
- Examples of acceptable choices: whole wheat pita triangles, whole grain cereal, whole grain crackers, whole grain bread, rice cakes, popcorn.
- Examples of non-appropriate items: doughnuts, pastries, croissants, cake, etc.

#### Food Category 4: Protein<sup>23</sup>

- Examples of acceptable choices: hummus, bean dip, cottage cheese, low-fat cheese, hard boiled eggs, low-fat or non-fat yogurt, low-sodium tuna, nuts, nut butters, sunflower seeds, turkey slices.

Examples of acceptable snack choices, all served with water:

- Peanut butter, whole grain crackers and apple slices
- A peach and whole grain crackers
- Half of a tuna sandwich: tuna on whole wheat bread with lettuce and tomato
- Turkey served with whole wheat pita triangles and carrot sticks
- Milk and whole grain cereal, with fresh berries
- Yogurt topped with blueberries and low-fat granola
- Hummus with pita and sliced red peppers

<sup>21</sup> For children ages 12 months to under age two, **require** unsweetened whole milk.

<sup>22</sup> For children ages 4-18 years flavored milk and flavored fluid milk substitutes are permitted and **required** to be ≤ 130 calories per serving. Recommend that agencies continue to phase out flavored milk and flavored fluid milk substitutes over time. As per Article 4.7 of the New York City Health Code, childcare facilities may not serve milk with added sweeteners.

<sup>23</sup> For CACFP programs, this category is referred to as 'meat or meat alternative'.

Additional Snack Standards:

- **Require** ≤ 25 calories per 8 oz for beverages other than 100% juice or milk at sites serving adults.

**D. Special Occasion Standards for Meals and Snacks**

*Special occasion standards apply to trips, parties for major holidays and special events. This also includes food purchased from vendors not routinely used by the agency for normal food service.*

- **Require** healthy options be served, such as fresh fruit, leafy green salad, and/or vegetable slices.
- **Require** water be served at all special occasion events.
- Recommend adopting a policy for special occasion meals and snacks.
- Recommend special occasion meals and snacks generally be limited (for example, once a month).
- Recommend, if serving sweets/desserts, offer in moderation and in appropriate portions.
- Recommend adherence to beverage standards.
- Recommend eliminating all foods that meet the USDA definition of Foods of Minimal Nutritional Value (FMNV).<sup>24</sup> Examples of FMNV include chewing gum, candy and water ices.

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<sup>24</sup> Definition available at: [www.fns.usda.gov/cnd/menu/fmrv.htm](http://www.fns.usda.gov/cnd/menu/fmrv.htm)

### III. Agency and Population-Specific Standards and Exceptions

*Agencies which serve meals to populations with special nutritional needs (e.g. children, seniors) have specific nutrition requirements.*

#### Children

##### *Standards for Purchased Food:*

When milk is provided, children ages two and older shall only be served milk with 1% or less milk-fat unless milk with a higher fat content is medically required for an individual child, as documented by the child's medical provider. When milk is provided, children ages 12 months to under age 2 should be served whole milk.

For children ages 4-18 years, flavored milk and flavored fluid milk substitutes are permitted and **required** to be  $\leq 130$  calories per serving. Recommend that agencies continue to phase out flavored milk over time. As per Article 47 of the New York City Health Code, child care facilities may not serve milk with added sweeteners.

For child care facilities, **require** cereal contain  $\leq 6$  g sugar per serving in addition to sodium and fiber standards.

##### *Nutrition Standards:<sup>25</sup>*

Recommend agencies serving populations with a majority of participants under 19 years of age follow the Institute of Medicine, Food and Nutrition Board's Dietary Reference Intakes (DRI)<sup>26</sup> for appropriate age groups.

**Require** agencies serving populations with a majority of children 6-18 years of age limit sodium to  $\leq 2,200$  mg per day.

**Require** agencies serving populations with a majority of children 1-5 years of age limit sodium to  $\leq 1700$  mg per day. **Require** breakfast contain no more than 425 mg sodium; snacks contain no more than 170 mg sodium; lunch contain no more than 600 mg sodium; and dinner contain no more than 600 mg sodium.

For agencies serving a majority of children age 4-18 years of age, **require** fiber be  $\geq 25$  grams per day. For agencies serving a majority of children 1-4 years old, **require** fiber be  $\geq 19$  grams per day.

#### Seniors

Recommend agencies follow the Institute of Medicine, Food and Nutrition Board's Dietary Reference Intakes (DRI)<sup>26</sup> for appropriate age groups.

**Require** agencies serving populations with a majority of the population 50 years of age and older limit sodium to  $\leq 1,500$  mg per day.

**Require** individual items contain  $\leq 360$  mg sodium per serving.

<sup>25</sup> Please see page 4 for programs that are exempt from this standard.

<sup>26</sup> Institute of Medicine, Food and Nutrition Board's Dietary Reference Intakes (DRI):  
<http://iom.edu/Reports/2006/Dietary-Reference-Intakes-Essential-Guide-Nutrient-Requirements.aspx>

### **Correctional Population**

Agencies serving the correctional population have a majority of young, moderately active women and men who may require a higher than average caloric intake. For all meals and snacks served per day, **require** that calories be kept to less than 2,200 calories for women and 2,800 calories for men.

### **Youth Detention Facilities**

Agencies serving the youth detention population have a majority of young, moderately active boys who may require a higher than average caloric intake. For all meals and snacks served per day, **require** that calories be kept to less than 2,500 calories for males.

### **Single Resident Occupancy and Self-Sustained Shelters**

Programs that allow clients to purchase and prepare their own meals are not required to comply with these standards.

### **Child Care Services Providers**

Home-based child care providers are not required to comply with these standards.

### **Patients Under Therapeutic Care**

Nutrition requirements consistent with established medical guidelines and diets for patients under therapeutic care replace general nutrition criteria described here. The Patient Bill of Rights allows patients under therapeutic care to request specific food items. These items are considered part of the therapeutic diet and do not need to meet the nutrition criteria.

### **Emergency Food**

Agencies that purchase food to be distributed by a third party to emergency food providers, such as soup kitchens and food pantries, are **required** to follow the guidelines outlined in Section I.

### **Federal Commodity Food Program**

Food provided by the federal government to agencies or agency programs is not required to meet the standards outlined in Section I. However, agencies/programs accepting these foods are **required** to meet the nutrition standards outlined in Section II. Agencies/programs are expected to provide documentation upon request to verify which products were obtained through the commodity food program.

### **Donated Foods**

Foods that are donated or provided at no cost to a program are not required to meet the standards outlined in Section I. However, agencies accepting these foods are **required** to meet the nutrition standards outlined in Section II. Programs are not permitted to accept donations of candy or sugar-sweetened beverages for use in meal or snack service.

### **Food for Disaster Response**

Food purchased by agencies to serve solely for a disaster or crisis response are not restricted by the nutrition criteria included here, recognizing such stocks intentionally include nutrient dense food products.

#### IV. Sustainability Recommendations

The Standards for Meals/Snacks Purchased and Served focus on promoting a healthy eating pattern as part of a city-wide strategy to reduce the prevalence of chronic disease, such as obesity, diabetes, and heart disease, among New Yorkers. New York City also recognizes the importance of promoting a healthy and ecologically sustainable<sup>27</sup> food system that conserves natural resources and supports long term public health goals.

Agencies are encouraged to consider, when practicable and cost effective, sustainability criteria for the food they procure and serve. While New York City does not endorse any single criteria for sustainability, a number of food characteristics are associated with supporting the conservation of natural resources that are needed to sustain our food supply over the long term. For example, preferred products may include: (i) fruits and vegetables that are local, seasonal, or are grown by producers using low or no pesticides or an integrated pest management system, (ii) dairy products that are local or (iii) seafood that is sustainably raised or harvested.<sup>28</sup> Agencies may also request, but not mandate, that their vendors offer fruit, vegetables, dairy products and seafood that is locally grown or produced. Agencies are also encouraged to educate their customers about these local and/or sustainably produced foods through labeling or other mechanisms.

These suggestions will continue to be evaluated and updated based on the latest scientific research on nutrition, the relationship between human health and food production methods, and the sustainability of the food system.

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<sup>27</sup> The federal statutory definition of sustainable agriculture (7 USC 3103) is a guide to the elements to look for in a sustainability program. New York City does not endorse any particular labeling or documentation system or program over another, and recognizes that many agricultural producers practice sustainable agriculture without their products being labeled as such.

<sup>28</sup> For example, seafood that is identified as a "best choice" or "good alternative" on the Monterey Bay Aquarium Seafood Watch List, or similarly certified by other equivalent program.

## New York City Agency Food Standards Part II: Standards for Beverage Vending Machines

The Standards for Beverage Vending Machines were enacted May of 2009, pursuant to Executive Order 122. There are separate standards for vending locations regularly used by adults (Adult Standards) and for vending locations regularly used by children (Children's Standards).

### Standards for Vending Locations Regularly Used by Adults

The following five criteria must be met:

#### 1) Specifications regarding the product mix:

- A) No more than two columns (or "buttons") may be High Calorie beverages (defined as any beverage > 25 calories per 8 oz). The maximum of two columns applies irrespective of the total number of columns in the machine.
- B) Unless otherwise approved by the City in writing, water is required to be stocked for a minimum of 2 columns (or "buttons").<sup>1,2</sup>
- C) The remaining products must be  $\leq$  25 calories per 8 oz.

#### 2) Specifications regarding product display placement:

- A) Water must be placed in the position with the highest selling potential.
- B) High Calorie beverages must be placed in the position with the lowest selling potential.
- C) For machines where the buttons are arrayed vertically, highest selling potential means those closest to eye level, usually the top buttons, and lowest selling potential means those furthest from eye level, usually the bottom buttons. Or as determined by industry best practices.<sup>3</sup>

#### 3) Specifications regarding size:

- A) All beverage selections with the exception of water and seltzer are limited to 12 oz.<sup>4</sup>
- B) All water and seltzer selections must be at least 12 oz.
- C) Portion sizes smaller than 12 oz are encouraged for High Calorie beverages.

#### 4) Calorie labeling:

- A) Every machine must display the total calorie content for each item, as sold, clearly and conspicuously, adjacent or in close proximity so as to be clearly associated with the item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the beverage where it can be seen before the consumer presses the button to choose the beverage. Existing nutrition labeling on the beverages does not meet this requirement. The City will have sole discretion regarding the display of calorie information. (adapted from HC §81.50)

#### 5) Promotional space:

- A) Promotional space on the vending machines (i.e. sides, front graphic panel, etc.) including but not limited to the language and graphics, if used, is subject to the approval of the City in its sole discretion and must be used only to promote healthy beverage choices ( $\leq$  25 calories per 8 oz) and/or healthy activities.

#### Price: (Recommended)

- A) Pricing models that encourage healthy choices (e.g. by establishing lower prices for healthy beverage choices ( $\leq$  25 calories per 8 oz) relative to High Calorie beverages (> 25 calories per 8 oz)) are encouraged.

For more information, please contact: [nycfoodstandards@health.nyc.gov](mailto:nycfoodstandards@health.nyc.gov)

**NYC**  
Michael R. Bloomberg  
Mayor

## Standards for Hot Beverage (e.g. Coffee) Vending Machines

The following criteria must be met:

- All beverages must be  $\leq 25$  calories per 8 oz.
- If stocking condiments:
  - Milk/creamer product must be 1% or non-fat
  - Sugar and sugar-substitutes are acceptable
- All beverages and condiments must contain  $< 0.5$  grams of trans fat per serving.

Phase in time of 2 years, to be in compliance by January 2012.

## Standards for Vending Locations Regularly Used by Children age 18 and under

The following three criteria must be met:

### 1) Specifications regarding the product mix:

- A) Beverage vending machines can only include:
  - Water<sup>1</sup>
  - Unsweetened milk, 1% or nonfat only
  - Beverages with  $\leq 25$  calories per 8 oz
  - Carbonation and caffeine are allowed
- B) Prohibited:
  - Artificial sweeteners
  - Other "natural" non-nutritive or very low-calorie sweeteners (e.g. stevia, erythritol)
  - Artificial flavors and colors
- C) If the location is regularly used by programs serving children age 12 or younger (e.g. afterschool locations, summer camp), in addition to the standards above, products:
  - Should not be caffeinated
  - Should be  $\leq 10$  calories per 8 oz

### 2) Calorie labeling:

- A) Every machine must display the total calorie content for each item, as sold, clearly and conspicuously, adjacent or in close proximity so as to be clearly associated with the item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the beverage where it can be seen before the consumer presses the button to choose the beverage. Existing nutrition labeling on the beverages does not meet this requirement. The City will have sole discretion regarding the display of calorie information. (adapted from HC §81.50)

### 3) Promotional space:

- A) Promotional space on the vending machines (i.e. sides, front graphic panel, etc.) including but not limited to the language and graphics, if used, is subject to the approval of the City in its sole discretion and must be used only to promote healthy beverage choices ( $\leq 25$  calories per 8 oz) and/or healthy activities.

Note that New York City beverage vending standards may be revised or updated in the future. Vendors will have time to come into compliance with any changes.

<sup>1</sup> Unless otherwise approved by the City, in its sole discretion in writing, water for the purposes of these Standards shall mean bottled water that is intended for human consumption, that contains 0 calories per 8 oz, and contains no added flavor, color, or sweeteners of any kind. Any product containing water modified with added flavors, colors or sweeteners or with calories in excess of 0 calories per 8 oz shall not be considered water for the purposes of these Standards.

<sup>2</sup> If drinking water is free and readily available in the same vicinity (must be on the same floor) as a beverage vending machine, agencies can substitute seltzer for the mandatory 2 columns (or "buttons") of bottled water. Seltzer is defined as water naturally or artificially impregnated with mineral salts or gasses, having 0 calories per 8 oz and no artificial sweeteners.

<sup>3</sup> However, because machines have different display arrangements, the City will have sole discretion to approve all product display and placement.

<sup>4</sup> For the purposes of these Standards, seltzer is defined as water naturally or artificially impregnated with mineral salts or gasses, having 0 calories per 8 oz and no artificial sweeteners.

## Guidance for the Application of the Adult and Children's Standards

Beverage vending machines within City Facilities\* may serve an array of customers including: the general public; employees of the City of New York; participants in City programs for youth (school students, participants in afterschool programs); participants in City programs for adults; and others. The Children's Standards will be applied based on the type of programming that takes place in the facility in which a machine is located.

### **Adult Standards**

City Facilities\* that cater to adults and do not have programming for children should follow the Adult Standards. Examples include office space occupied by City agencies, police precincts, senior centers and shelter facilities for adults.

City Facilities\* that are open to the general public but have no specific programming of any kind, such as gas stations, are subject to the Adult Standards.

Any portion of a youth facility which is intended for use exclusively by adults, and where youth are not generally permitted to enter, are subject to the Adult Standards. For example, teachers lounges within schools or the administrative offices of a community center are subject to the Adult Standards

### **Children's Standards**

Any City Facility\* where there is programming specifically for children, such as schools, community centers, park facilities, other spaces that regularly host Out-of-School Time (OST) programs, and athletic facilities that are used by school teams, are subject to the Children's Standards. For example, a community center that has programs for youth on weekday afternoons and adults in the evenings is subject to the Children's Standards.

**Children age 18 and under Beverage Standards (High School)** should be used by facilities that have programming only for high school aged children.

**Children age 12 or under Beverage Standards** should be used by facilities that have regular programming for children 12 and under. Facilities that serve children of all ages should use this standard. So, if a facility serves children age 6–18, it is subject to these standards.

\*A City Facility is a property, building, or a discrete portion of a property or building, that is owned, rented, or otherwise controlled by the City or occupied by a City funded program.

## New York City Food Standards Part III: Standards for Food Vending Machines

The Standards for Food Vending Machines were enacted December of 2011, pursuant to Executive Order 122. These Standards apply to all types of food vending machines including non-refrigerated "snack" and refrigerated machines. Follow these standards to make vending machine choices healthier for employees and visitors.

### Snack Standards

Snacking in excess can lead to weight gain. Snacks, when consumed, should add healthy nutrients to the overall diet and help curb hunger.

- 1) Require that snacks meet all of the following criteria, per package:
  - Calories: no more than 200 calories
  - Total fat: no more than 7 grams
    - Nuts, seeds, nut butters and cheese are exempt
    - Combination products of dried fruit and nuts are exempt
  - Saturated fat: no more than 2 grams
    - Nuts, seeds, nut butters and cheese are exempt
  - Trans fat: 0 grams trans fat
  - Sodium: no more than 200 mg
    - Cottage cheese: no more than 400 mg
  - Sugar: no more than 10 grams
    - Fruit and vegetable products with no added sugar are exempt
    - Yogurt: no more than 30 grams sugar per 8 ounces
  - Contain at least 2 grams of fiber, if product is grain/potato-based (e.g. granola bars, crackers, pretzels, cookies, chips)
- 2) Limit grain/potato-based snacks (includes similar products, such as corn, plantain and taro chips) to no more than 50% of food items in machine.
- 3) Require that calorie information is posted for each food item, as packaged.

For more information, please contact: [nycfoodstandards@health.nyc.gov](mailto:nycfoodstandards@health.nyc.gov)

December 2011



## **Meal Standards**

Meal items include salads, sandwiches, burritos, and combination packaged items such as tuna lunch kits. Breakfast breads and pastries must meet the snack standards.

- 1) Require each meal meet all of the following criteria:
  - Calories: no more than 700 calories (all items  $\leq$  200 calories must follow snack standards)
  - Total fat: no more than 35% of calories
    - Salads: no more than 60% of calories
  - Saturated fat: no more than 10% of calories
    - Salads: no more than 20% of calories
  - Trans fat: 0 grams trans fat
  - Sodium: no more than 800 mg
    - Soup: no more than 480 mg per 8 ounces
  - Sugar: no more than 35% of calories
- 2) Refrigerated machines must stock fresh fruit and vegetable items.
- 3) Require that calorie information is posted for each food item, as packaged.

## **Standards for Children**

For vending locations regularly used by children age 18 and under, all standards described above apply and the following additional criteria must be met:

- Products may not contain artificial flavors, artificial colors, artificial sweeteners, or other non-nutritive sweeteners (e.g. stevia, erythritol).