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In Schools, New Rules on Snacks for Sale

By [JENNIFER MEDINA](#)

New vending machine contracts expected to be approved on Wednesday could mean less junk food — and less money for schools — as the [Education Department](#) tries to promote healthier choices for students.

One contract would give exclusive drink machine rights to CC Vending, a Bronx company that plans to sell Pepsi products. It would require drinks sold in elementary and middle schools to have fewer than 10 [calories](#) per eight ounces. In high schools, the limit would be fewer than 25 calories per eight ounces. No artificially sweetened drinks or sodas would be allowed. Drinks would have to be caffeine-free or noncarbonated; for example, water, seltzer or sugar-free tea.

The snack machines would be run by Answer Vending of Bellerose, Queens, and would be subject to limits on calories and fat and sugar content.

The nutritional guidelines were laid out by the Education Department in the request for proposals last spring. The proposed restrictions are part of the city's latest efforts to eliminate unhealthy food from school. New regulations also ban most bake sales, with a once-a-month exception for parent groups.

The drink contract replaces an expired deal with Snapple, fiercely criticized because it was awarded without bidding in 2003. Ultimately, the contract brought in roughly \$35 million over five years to fund school sports and activities, about \$5 million less than officials initially estimated.

Snack machine contracts were previously awarded by individual schools rather than the Department of Education.

Officials said six companies, including Snapple, bid on the new contracts, which will take effect at once.

As with the Snapple deal, the schools will pay no money upfront, and will keep roughly 30 percent of the revenue from the vending machines. But because the offerings will be healthier, education officials concede that sales will probably be lower; they estimate the city will receive a total of at least \$28 million over five years from the contracts.

The snack contract would limit items to 200 calories and 200 milligrams of sodium. Sugars and fats would make up no more than 35 percent of the total calories, and [saturated fat](#) would not be more than 10 percent of total calories. Nuts, seeds, nut butters and fruit products would be exempt from these requirements.

William Havemann, a spokesman for the Education Department, said that CC Vending has indicated that it would contract with Pepsi exclusively. It is unclear which drinks that Pepsi currently produces would meet the city's standards.

Mr. Havemann said examples of permitted snacks include Baked Lays, Baked Tostitos, Reduced Fat Doritos and low-sugar Quaker Chewy Granola Bars. Because the market in the city schools is so large, Mr. Havemann said, "there's a real incentive for companies to develop new products that meet these standards."

Education officials said they chose CC Vending and Answer Vending because they offered favorable financial incentives for schools and the best operating and monitoring systems.

Under the law approved this summer that renewed the mayor's control over the city schools, the [Panel for Educational Policy](#) must approve any contract worth more than \$1 million. But the department has said it will not release the full contracts before they are approved, instead giving panel members a four-page summary.

The department's new regulations also require that all student-run school stores purchase food from the company that is awarded the vending contract. There are other benefits for contractors, including signs posted at school sporting events, promotions at games, features in Education Department newsletters and designation as the "official vending partner of the New York City Department of Education."

Patrick J. Sullivan, a member of the policy panel who has frequently criticized the department, said he believed the regulations restricting what food can be sold in city schools were designed to increase sales in vending machines.

"If they were so concerned with student health, why would they focus on this instead of making sure that all students have a basic gym class?" Mr. Sullivan asked, adding that he would request that the [nutrition](#) standards be voted on by the panel as well. (Mr. Sullivan said he was traveling abroad for business and so would not be at the Wednesday night meeting.)

Since the Snapple contract expired at the end of August, vending machines in the city schools have been empty.

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