

# Soyfoods Association of North America

---

1050 17<sup>th</sup> Street, NW • Suite 600 • Washington, DC 20036 • USA

April 8, 2013

Ms. Julie Brewer  
Chief, Policy and Program Development Branch  
Child Nutrition Division  
Food and Nutrition Service, Department of Agriculture  
3101 Park Center Drive, Room 640  
Alexandria, VA 22302-1594

**Re: Docket FNS-2007-0038** Re: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010

Dear Ms. Brewer,

The members of the Soyfoods Association of North America (SANA) support the USDA proposed rule to require nutrition standards for all foods sold in schools during the school day. SANA represents the interests of soybean farmers, soy processors, and manufacturers of soy foods. In short, the USDA proposed rules extend a significant opportunity for students to enjoy nutritious soyfoods, including soymilk, soy-based meat alternatives, tofu and tofu products, roasted soybeans, edamame, soy nutrition bars, soy yogurt, and soy cheese that have high-quality protein, are low in saturated fat, and are cholesterol free.

Schools serve as a learning environment for many cultural and life habits including eating practices that should promote health and well-being across a diverse student body. SANA strongly supported the nutrition standards for reimbursable meals provided through the National School Lunch and National School Breakfast programs. SANA members believe that extending those nutrition standards to all foods and beverages sold at schools will reinforce the importance of healthy eating and provide greater variety for students to address the cultural differences in our schools.

SANA is pleased to see that USDA's proposal continues to recognize the diverse needs of students by including non-dairy beverages. SANA supports the approach that sets nutrient standards and a food basis as criteria for qualifying competitive foods in schools. We are delighted that the USDA opened the array of soyfoods available to schools to include products made from soy protein as well as from whole soybeans, such as tofu, and we support the continuation of these offerings through all foods sold in schools.

SANA appreciates the opportunity to comment on the following points and alternatives in the proposed rule:

- 1. General nutrition standards fail to identify soymilk or soymilk products and other soyfood ingredients, such as soybeans, soy protein, and tofu.**

In § 210.11 (c)(2)(iii), the list of required ingredients from one of the non-grain food groups, SANA suggests the USDA include “non-dairy options such as soymilk and soymilk products”

after “dairy product” and add to the protein foods “soybeans, soy protein, tofu, soy nuts” given that soy protein is a high-quality protein with a complete essential amino acid profile. By offering soyfoods through the National School Lunch and National School Breakfast programs, students are provided with adequate protein from either dairy or non-dairy sources. Schools should also be able to add to their a la carte lines soyfoods they are serving on their cafeteria lines, such as veggie burgers, chicken-less soy-based strips, soy cheese, soy yogurt, tempeh, and soy nutrition bars. USDA has recognized soymilk and these other soyfoods in the Choose MyPlate materials.

- 2. Under the general nutrition standards, the requirement that a food contain 10% of the Daily Value (DV) of a naturally occurring nutrient of public health concern should permit any form of supplementation of the key nutrients.**

In § 210.11 (c)(2)(iv), the requirement for naturally occurring nutrients such as vitamin D would exclude most foods, since foods such as milk, soymilk, and grains have been fortified. Only fatty fish have significant amounts of vitamin D naturally occurring. Likewise, requiring only naturally occurring calcium at a level of 100 mg could exclude most soymilk and soymilk products, such as soy yogurt, which are fortified with vitamin D and calcium to ensure children who avoid milk have a nutritious source of these nutrients. Since any food that falls under this requirement also must meet the nutrition standards for sugar, fat, and other nutrients, USDA should make clear what foods it would expect to exclude, especially recognizing that calcium, potassium, fiber, and vitamin D are nutrients in short supply in children’s diets.

- 3. USDA proposes that nutrition standards be set for competitive foods when sold through fundraisers that occur during the school day on school property under two alternatives: one permits the State to set the frequency with which exempted fundraisers can occur and the other permits the State with USDA approval to set the frequency of exempted fundraisers.**

In § 210.11 (b)(5)(ii), SANA supports USDA providing some oversight over state-set criteria for fundraisers, which will ensure healthier competitive foods are made available on a regular basis through fundraisers by establishing nutrient criteria by food categories. Thus, school children can more readily become accustomed to a set of nutritious foods being available throughout school campuses during the school day, including all school events where food is served.

- 4. Under the alternatives for entrees or side dishes served as part of the a la carte line, USDA would permit any NSLP or SBP menu item only if the fat and sugar standards were met OR USDA would permit any NSLP or SBP menu item to be served as a competitive food but only if a specific timeframe restriction (either within the same day or within four days) was met.**

In § 210.11 (c)(3)(i), SANA supports permitting any menu item that is served as part of an NSLP or SBP reimbursable meal if it meets the total fat and sugar restrictions, as long as the exemptions for foods naturally higher in fat, such as soy nuts, soy nut butter, edamame, tofu, soy yogurt, etc., are exempted in this requirement as well.

- 5. The standard for total fat is capped at  $\leq 35\%$  of calories and excludes several foods.**

In § 210.11 (f) (2), USDA provides several exemptions to the requirement that an allowable food must have  $\leq 35\%$  of calories. Many of the soyfoods such as tofu, roasted soybeans,

soy nut butter, and edamame inherently have close to or more than 35 percent of calories from fat; however, the fat composition is mostly unsaturated fats, which is considered a “good” fat. SANA urges USDA to exempt all soyfoods such as tofu, soy nuts, soy nut butter, soy cheeses, soybeans, and edamame, which inherently contain “good” fat above the proposed nutrition standards. In particular, soy cheese should be identified in § 210.11 (f)(2)(i) and soy nuts, soy nut butter, and edamame should be identified in § 210.11 (f)(2)(ii).

**6. For total sugar, SANA supports USDA’s proposal to limit sugar based on 35% or less total sugar per weight.**

In § 210.11 (i)(1)(i), SANA supports USDA setting the total sugar standard per weight. SANA would also support the exemption for specific foods based on nutritional composition such as for flavored and unflavored yogurt or cultured soy and dried fruit and nut mixtures (i)(2)(ii). USDA’s definition of “nut mixture” should include soy nuts and dried edamame.

**7. For sodium and calories, USDA proposes the limit of 480 mg sodium and 350 calories per portion of entrée item or 200 mg sodium and 200 calories per portion of snack item. USDA would lift any sodium restriction for a food that had been served as part of a reimbursable meal according to the criteria in #9 below.**

In § 210.11 (j) and (k)(2)(iv), SANA would support the proposed sodium and calorie levels; however, USDA should keep in mind that sodium is also used as a preservative in some food systems and that less restrictive sodium levels for certain competitive foods might be appropriate given the need to maintain shelf life for foods.

**8. New requirement for beverages served to be only fat-free (flavored and unflavored) and low fat (unflavored) milks to limit saturated fat and calories.**

In § 210.11 (m)(1)(iv) and (m)(2)(iv), SANA supports USDA including the nutritionally equivalent milk alternatives that are allowable in reimbursable National School Lunch and National School Breakfast programs. SANA urges USDA to make it clear fluid milk substitutions that are inherently above the fat restrictions of 35% of calories should be exempted when this fat composition is predominantly unsaturated fatty acids.

Additionally, SANA also requests USDA remove the provision in § 210.10(g) requiring written statements from parents or medical authority to SFAs to identify a student’s medical or other special dietary need for avoiding cow’s milk. Since USDA will not be reimbursing schools for the purchase of beverages, students should be free to choose whatever beverage as long as it meets the proposed nutritional standards.

## **Conclusion**

USDA has shown amazing leadership in issuing very strong regulations for school breakfasts and lunches that establish healthy food-based meal pattern requirements; and the Soyfoods Association of North America wholeheartedly supports USDA’s efforts to extend those nutritional standards to all foods sold in schools during the school day. The healthfulness of foods in schools is a key strategy to help reduce chronic disease in the future. The snack foods as well as meals that are offered in schools

should be nutrient-dense (versus energy-dense) so children consume the essential nutrients they need for optimum growth and development without consuming too many calories. Reducing obesity during childhood has a direct impact on student performance and teasing in school.<sup>1,2</sup> Offering nutritious snack and a la carte options in a positive manner will motivate students to select the right foods to meet their lifestyle. The Association is pleased to offer USDA any assistance needed to help schools incorporate more plant-based options that are low in saturated fat, high in protein quality, and cholesterol free into the food offerings sold at school.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Chapman".

Nancy Chapman, RD, MPH  
Executive Director

---

<sup>1</sup> Neumark-Sztainer D, Falkner N, Story M, Perry C, Hannan PJ, Mulert S. Weight-teasing among adolescents: correlations with weight status and disordered eating behaviors. *Int J ObesRelat Metab Disord.* 2002;26:123-131.

<sup>2</sup> Hayden-Wade H, Stein R, Ghaderi A, Saelens B, Zabinksi M, Wilfl ey D. Prevalence, characteristics, and correlates of teasing experiences among overweight children vs. non-overweight peers. *Obese Res.* 2005;13:1381-1392.