

## Addressing unhealthy food and beverage marketing in schools through local school wellness policies

As school districts (also called local education agencies or LEAs) update their local wellness policies (LWP), they need to include a policy on food marketing in schools by June 30, 2017. The United States Department of Agriculture (USDA) outlined the updates for the LWP in final regulations in July 2016.<sup>i</sup> Community stakeholders (including parents and health professionals) can work with their local school district throughout the development and implementation of the LWP.

### How is school marketing defined?

The final rule defines marketing as “advertising and other promotions in schools,” which includes, “oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product.” Foods that do not meet USDA’s Smart Snack standards<sup>ii</sup> should not be marketed.

### What does the final rule cover?

	Meeting the final rule	Exceeding the final rule
Parameters of marketing	The rule covers unhealthy food and beverage marketing <b>during the school day and on the school campus</b> . The school day is defined as the period from the midnight before to 30 minutes after the end of the official school day. The school campus is any property owned or leased by the school, including school buses, athletic fields and stadiums, and parking lots.	We encourage LEAs to cover marketing outside the school day and via school-sponsored activities off school campus. This would address unhealthy marketing during after-school activities, such as sporting events, and off-campus activities, like fast-food restaurant fundraisers.
Types of marketing	There are many types of school marketing (see Box). The final rule does not delineate which forms of marketing must be addressed but provides examples such as: the exterior of vending machines, posters, menu boards, coolers, cups, water bottles, trash cans, scoreboards, and other food service equipment. Further, the final rule includes brand marketing <sup>1</sup> as an example of marketing. The rule does not require immediate replacement of durable items, such as scoreboards.	We encourage LEAs to address brand marketing, by allowing marketing of whole companies, product lines, or other general brand representations only when all of the food and beverage products within that brand meet Smart Snacks standards. <sup>iii</sup>

<sup>1</sup> Rather than marketing an individual product, brand marketing aims to increase children’s knowledge and preference for an entire company, one brand within a company, or a product line. If a whole company name, line of products, or brand logo is marketed in schools, all products included in the featured brand should meet Smart Snacks criteria.



	Schools are encouraged to make replacement and purchasing decisions as needed consistent with the LEA's marketing policy.	
Copycat snacks	The final rule includes copycat snacks as an example of school marketing but inclusion in the LWP is up to the LEA's discretion. Copycat snacks are products that have been reformulated to meet Smart Snacks standards but have similar packaging as the original non-compliant product.	We encourage LEAs to prohibit the sale and marketing of copycat snacks.
The final rule does not apply to: limits on personal expression, opinions, or products; products brought from home; or materials used for educational purposes in the classroom such as teachers' use of soda advertisements as a media education tool. It is also not intended to imply that LEAs must allow food or beverage marketing; schools could choose not to allow any food or beverage marketing.		

<sup>i</sup> 81 Fed. Reg. 50151-170 (July 21, 2016).

<sup>ii</sup> United States Department of Agriculture. *Nutrition Standards for All Foods Sold in School*. USDA. Available at: [https://www.fns.usda.gov/sites/default/files/allfoods\\_summarychart.pdf](https://www.fns.usda.gov/sites/default/files/allfoods_summarychart.pdf).

<sup>iii</sup> Healthy Eating Research. *Recommendations for Responsible Food Marketing to Children*. Minneapolis, MN: Healthy Eating Research, 2015. Available at [http://healthyeatingresearch.org/wp-content/uploads/2015/01/HER\\_Food-Marketing-Recomm\\_1-2015.pdf](http://healthyeatingresearch.org/wp-content/uploads/2015/01/HER_Food-Marketing-Recomm_1-2015.pdf).

