



JUN 2 2005

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

Mr. Gary Ruskin, Executive Director
Commercial Alert
4110 SE Hawthorne Boulevard, #123
Portland, Oregon 97214-5246

Dear Mr. Ruskin:


This is in response to your April 26, 2005, petition submitted to the Secretary of Agriculture pursuant to 7 CFR 1.28 on behalf of Commercial Alert. The petition requests that the Department of Agriculture (USDA) amend the Federal regulations to strengthen the enforcement of the current requirements on foods sold in competition with the National School Lunch Program and the School Breakfast Program. Your request is being answered by the Food and Nutrition Service, because we administer both of those programs at the Federal level. At this time, we do not intend to undertake the activities or measures recommended in your petition.

We appreciate your thoughtful and detailed filing concerning the issue of competitive foods in schools. We continue to work to improve the quality of school meals as well as to support local efforts to improve the overall school nutrition environment. One area we are pursuing is to help schools implement a Local Wellness Policy as required by Section 204 of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004. This effort is being taken in conjunction with the U.S. Department of Education, the Centers for Disease Control, and the American Dietetic Association and other partners. Together we are making information and technical assistance available, on request, to schools for their review when developing their own local wellness policies.

We strongly encourage State agencies to disallow all meals served by a school on any day that a violation is observed regarding the service of foods of minimum nutritional value. In addition, if funds from the non-profit school food service account are used to purchase and serve foods of minimal nutritional value, there must be corrective action and restoration of any funds improperly used. We have stressed to State agencies the need to conduct technical assistance, establish corrective action and monitor compliance to ensure that the competitive food procedures are followed.

We are continually looking for innovative ways to support healthy school nutrition environments and will certainly consider Commercial Alert's recommendations when we address these issues in the future.

Sincerely,


for STANLEY C. GARNETT
Director
Child Nutrition Division