



DEPARTMENT OF EDUCATION


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November 9, 2015

MEMORANDUM

TO: Child and Adult Care Food Program (CACFP) Sponsors

FROM: Aimee F. Beam, RD, LDN 
Education Associate, Child Nutrition Programs

SUBJECT: 2016 Operational Memo #3
Milk and Milk Substitutes

In accordance with the Child and Adult Care Food Program (CACFP) 7 CFR 226.2 Milk is defined as *"pasteurized fluid types of unflavored or flavored whole milk, lowfat milk, skim milk, or cultured buttermilk which meet State and local standards for such milk, except that, in the meal pattern for infants (0 to 1 year of age), milk means breast milk or iron-fortified infant formula... All milk should contain vitamins A and D at levels specified by the Food and Drug Administration and be consistent with State and local standards for such milk."*

Fluid milk as beverage must be served as part of breakfast, lunch, and supper, and is an optional component for am/pm snack. Therefore, as a follow up to the 2016 CACFP Annual Sponsor Training, attached are the following:

- DDOE Milk Substitutions flyer
- Non-Dairy Milk Substitute PowerPoint presentation
- USDA Milk Substitute Calculator

Please contact us with any questions at 302-857-3356.

AFB/rau

Attachments (3)

cc: Linda C. Wolfe, EdD, RN, Director, School Support Services
Child Nutrition Team



Nutrition Programs

Guidance for acceptable non-dairy milk substitutions



Delaware
Department of Education

Federal Regulation Highlights

Schools:

7 CFR 210.10 states that School Food Authorities (SFA) must make menu substitutions for all **disabilities** when indicated on a note signed by a licensed physician or recognized medical authority.

7 CFR 210.10 also states the SFA may make menu substitution for students with **non-disabilities**, at their discretion. A medical authority or the students parent or legal guardian must submit a signed written request for a non-dairy milk substitute, identifying the medical or other special dietary need that restricts the student's diet and appropriate substitute.

CACFP:

7 CFR 226.20 states that institutions may make menu substitutions for children or adults with a medical or other special dietary need, when indicated on a note signed by a licensed physician or recognized medical authority.

The Healthy Hunger-Free Kids Act of 2010 implements the same standards required of SFAs for non-dairy milk substitutions for **non-disabled** children and adults in the Child and Adult Care food Program (CACFP), according to section 221 part 3 of the law.

Who does this affect?

- Children and adults with documented **disabilities** and all **non-disabled** children and adults in the National School Lunch program, School Breakfast Program, Afterschool Snack Programs, Seamless Summer Option, and The Child and Adult Care Food Program.

Who is required to provide a non-dairy milk substitute for a child or adult with a **disability**?

- School Food Authorities, CACFP Sponsoring Organizations, Child Care Centers, Family Day Care Home Providers, and Adult Day Care Centers.
- For a child with a **non-disability**, the organizations listed above can choose whether to accommodate the participant and select a non-dairy beverage in accordance with the final milk substitution rule.

What are acceptable non-dairy beverage options?

- Soy milk, lactose-free or other non-dairy beverages that meet the nutrient standards below.

Nutrients Per Cup*

Calcium	276 mg Or (≥27.6% DV)	Phosphorus	222 mg Or (≥22.2% DV)
Protein	8g	Potassium	349 mg Or (≥9.9% DV)
Vitamin A	500 IU Or (≥10% DV)	Riboflavin	0.44 mg Or (≥25.8% DV)
Vitamin D	100 IU Or (≥25% DV)	Vitamin B12	1.1 mcg Or (≥ 18.3% DV)
Magnesium ...	24 mg Or (≥6% DV)		

*it is important to note that, if the Nutrition Facts label does not provide all required nutrient information, the organization must contact the manufacturer to obtain additional nutrient information to ensure compliance with the above specifications.

Where and When do substitution need to be made?

- Programs must comply with a statement from a licensed physician or recognized medical authority only when milk substitution is necessary due to a **disability**, for all meal and snack service.
- For a child or adult with a **non-disability**, substitutions for non-dairy beverages are optional. A note from a parent or legal guardian or adult caregiver should be on file, if the organization decides to provide a non-dairy beverage.

Why do substitutions need to be made?

- To ensure a nutritionally equivalent beverage to cow's milk is provided to children and adults who are unable to consume cow's milk.

August 2015

Nutrition Programs

Guidance for acceptable non-dairy milk substitutions



Delaware
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Best Practices and Other Information

- SFAs, CACFP Sponsoring Organizations, Child Care Centers, Family Day Care Home Providers, and Adult Day Care Centers have the option to accommodate individuals with **non-disabilities**.
- A substitution must be made for all participants when there is a documented **disability**, by a licensed physician or recognized medical authority .
- Acceptable notes for milk substitutions include:
 - Parent or legal guardian notes which lists the specific medical or special dietary need, with a signature.
 - Licensed physician or recognized medical authority note listing the specific medical or special dietary need and stating the acceptable substitution, with a signature.
- Ensure all support staff in school buildings, child or adult care centers, and family day care homes are aware of individuals requiring a non-dairy milk substitute.
- Keeps notes on file at the school, center, or home.
- Juice and water cannot be provided in place of milk at any meal or snack service, non-dairy milk substitutions must meet the nutrient specifications on page 1, unless documented on the medical note.
- Milk served (both non-dairy and traditional cow's milk) must be pasteurized and may be flavored or unflavored.
- All non-dairy milk substitutes should be 1% white, non-fat flavored or non-fat white.
- Whole milk and reduced-fat (2%) milk may not be served to participants over two years of age.

Summer Food Service Program

- Summer Food Service Program (SFSP) Sponsors may serve all varieties of cow's milk including; flavored and un-flavored non-fat, 1%, 2%, and whole milk.
- The USDA and DDOE encourage SFSP Sponsors to serve milk consistent with School Breakfast and Lunch Program and CACFP requirements.
 - Non-fat flavored milk and non-fat and 1% white.

Resources:

Code of Federal Regulations'. Title 7, Section 210, 220, and 226., 2015. Web. 21 May 2015. <http://www.ecfr.gov/cgi-bin/textidx?gp=&SID=4769a94e13c19d3be940e978e4a15985&mc=true&tpl+/ecfrbrowse/Title07/7CIIsubchapA.tpl>
USDA,. *Healthy Hunger-Free Kids Act Of 2010*. 2010. Print. <http://www.gpo.gov/fdsys/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf>.

If you have additional questions or need help determining allowable substitutions please contact us.


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Nutrition Programs
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Dover DE, 19904
302.857.3356 (office)
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USDA is an equal opportunity provider and employer.

Fluid Milk Substitutions in the USDA Nutrition Programs: Non-Dairy Beverages Meeting USDA Substitution Criteria *


	USDA Criteria	8th Continent Original Soy Milk	8th Continent Vanilla Soy milk	Pacific Natural Ultra Soy Milk Plain	Pacific Natural Ultra Soy Milk Vanilla	Kikkomon Pearl Organic Soy Milk Smart Original	Kikkomon Pearl Organic Soy Milk Smart Creamy Vanilla	Kikkomon Pearl Organic Soy Milk Smart Chocolate
Calcium (mg)	276 Per 8oz	300 Per 8oz	300 Per 8oz	289 Per 8oz	289 Per 8oz	373 Per 8oz	408 Per 8oz	395 Per 8oz
Protein (g)	8	8	8	10	10	8.9	9	8.4
Vitamin A (IU)	500	500	500	500	500	1249	1220	1219
Vitamin D (IU)	100	100	100	100	100	255	205	191
Magnesium (mg)	24	24	24	65	65	54	51	64
Phosphorus (mg)	222	250	250	260	260	313	294	301
Potassium (mg)	349	380	380	458	458	377	407	530
Riboflavin (mg)	0.44	0.51	0.51	0.49	0.49	0.96	1.02	1.04
Vitamin B12 (mcg)	1.1	1.2	1.2	1.54	1.62	2.3	1.86	1.46
Shelf Stable		No	No	Yes, 1 year unopened	Yes, 1 year unopened	Yes, 1 year unopened	Yes, 1 year unopened	Yes, 1 year unopened
Storage Tips per Manufacturer		Refrigerated shelf life of 30 days after receipt of product. Use within 10 days after opening.		Use within 10 days after opening.		Use within 10 days after opening.		

*Manufacturers may change product formulations without notice, this list does not constitute pre-approval of any non-dairy beverage as a milk substitution
 Container Sizes may vary between Manufacturers
 USDA is an equal opportunity provider and employer.



USDA Non-Dairy Milk Substitutes

September 2015



Agenda

- Introduce Cow's Milk and Soy Milk
- USDA CACFP regulation for serving milk
 - School regulation
- Food allergy vs. intolerance; brief overview
- USDA regulation for making substitutions
- What is an approved substitute
- Best practices and Questions

Cow's Milk

Cow's milk

- First the cream is removed leaving all liquid fat free (little to no fat).
- Different amounts cream (fat) is added back in
 - Depending on 1%, 2%, ...etc
- All milk served in program must be pasteurized
 - Various time and temperature exposure to heat and kill bacteria, can produce a shelf stable product if time and temp is right.
- Most milk is homogenized, and often fortified (vit D) as heat treatment destroys some vitamins and minerals.

Soy Milk

Soy Milk

- Soy Beans are soaked
- Ground with water
- Heated and than filtered

USDA Regulation for Milk

- CACFP meal pattern regulation states “fluid milk as a beverage” must be served as part of breakfast, lunch and supper, and is an optional component for snack (am/pm).
 - Snack could also include 100% fruit juice or water (as long as two other meal componets are served).
- Regardless of meal service the portion size remains the same depending on the child's age.

USDA Regulation for Milk

FOOD CHART

Child & Adult Care Food Program

	AGE 1 to 2	AGE 3 to 5	AGE 6 to 12
MILK REQUIREMENTS	4½ Year Olds 2½ cups (whole milk)	4½ Year Olds 2½ cups (whole milk)	4½ Year Olds 2½ cups (whole milk)
Fluid Milk	½ cup	¾ cup	1 cup

Food allergy vs. intolerance

Allergy:

- "A true food allergy causes an immune system reaction that affects numerous organs in the body."
 - "A food allergy may be considered a disability under federal laws, such as Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA)."
 - Law requires institutions and organizations to make reasonable accommodations.
- "Food intolerance symptoms are generally less serious and often limited to digestive problems."

Food Allergy 'v.' Food Intolerance: What's the Difference? Web | [http://www.marshall.edu/newsroom/2010/08/25/food-allergy-vs-intolerance/](#)
 American Dietetic Association | [http://www.cacfp.org](#) | 25 Aug 2015
 Advocacy | Disability | Food Allergy Research & Education | Advocacy | Disability | Food Allergy Research & Education Web
[http://www.foodallergy.org/publications/](#) 25 Aug 2015

Regulations Covering this Population

CACFP:
 7 CFR 226.20 "Institutions may make menu substitutions for children or adults with a medical or other special dietary need, when indicated on a note signed by a licensed physician or recognized medical authority."
 - ADA requires that reasonable accommodations must be made for food allergies documented by a medical authority.

The Healthy Hunger-Free Kids Act of 2010: "non-dairy milk substitutions may be made for **non-disabled** children and adults in the Child and Adult Care food Program (CACFP), according to section 221 part 3 of the law."

Approved Non-Dairy Substitutes

Calcium 276 mg Or (≥27.6% DV)	Phosphorus 222 mg Or (≥22.2% DV)
Protein 8g	Potassium 349 mg Or (≥9.9% DV)
Vitamin A 500 IU Or (≥10% DV)	Riboflavin 0.44 mg Or (≥25.8% DV)
Vitamin D 100 IU Or (≥25% DV)	Vitamin B12 1.1 mcg Or (≥18.3% DV)
Magnesium ... 24 mg Or (≥6% DV)	

– USDA nutrient specifications per 8oz.

***Important:** if the Nutrition Facts label does not provide all required nutrient information, the organization must contact the manufacturer to obtain additional nutrient information to ensure compliance with the above specifications.

Resources

- Flyer with more information.
- Excel calculator to verify nutrients.

	Amount required by USDA		Amount listed on nutrient facts label	
	weight	% DV (>)	Mg listed Do not add "mg" or "IU"	% DV listed Do not add % sign
13 Calcium	276 mg	27.60%		
14 Protein	8 g	N/A		
15 Vitamin A	500 IU	10%		
16 Vitamin D	100 IU	25%		
17 Magnesium	24 mg	6%		
18 Phosphorus	222 mg	22.2%		
19 Potassium	349 mg	9.9%		
20 Riboflavin	44 mg	35.8%		
21 Vitamin B12	1.1 mcg	18.3%		

Questions

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