

## Vending Contract Guidance

Schools or school districts who enter into contracts with vending companies for food and/or beverage items need to review the contract to ensure it does not compromise or contradict the nutritional integrity of the school environment. The contract(s) should provide nutritious sustenance to students, promote good health, help students learn, provide energy and model fit living for life.

The following terms or conditions would be considered in violation with Law (insert law/statue #)

1. Sale of sugared carbonated beverages and all other foods of minimal nutritional value as defined by 7 code of federal regulations 210.11(2) on elementary, school, middle school and junior high school campuses during the normal school day.
2. Sale of any food or beverage that does not meet the nutrition standards as outlined in the guidelines developed by the Arizona Department of Education.

The following areas should be considered when drafting any request for proposal (RFP) for any food or beverage service(s). These clauses or positions are to keep the school nutrition integrity solid and consistent with the statue (*insert number*) and are to the benefit to the school or school district.

1. **Allowable items-** Items that will be sold or dispensed from the school campus vending machine *will/could/may* include the following (see list of acceptable items from 'Guidelines for the Minimum Nutrition Standards')
2. **Pouring Rights-** The school shall not enter into a contract with any beverage company that requires items to be sold in vending machines other than those from the list of acceptable items as mentioned in the 'Guidelines for the Minimum Nutrition Standards'.
3. **Advertising-** It shall be unlawful for any school within district (name) or any other entity or person acting on behalf of any public school in the (name) district to:
  - a. Enter into a contract that grants exclusive advertising of any product or service throughout the district to a person, business or corporation;
  - b. Enter into a contract or permit a school within the district to enter into a contract for products or services that requires the dissemination of advertising to students, including logos on facilities, or informational equipment such as a scoreboard or banner with an educational message, or allow any person, corporation or business to gather or obtain information from students for the purposes of market research.
  - c. Contracts entered into prior to the operative date of statue (statue/title#) may not be renewed if they conflict with this statue.

The term 'advertising' means the commercial use, by any person, company, business or corporation, of any media including, but not limited to, newspaper or other printed material or

flyer or circular, radio, television, video or any other electronic technology, outdoor sign, or billboard in order to transmit a message with information:

- Offering any good or service for sale, or
- For the purpose of causing or inducing any other person to purchase any good or service,
- That is directed toward increasing the general demand for any good or service.

#### Resources:

1. California Project LEAN. 'Taking the Fizz Out of Soda Contracts: A Guide to Community Action' 2002.
2. Food and Nutrition Services, U.S. Department of Agriculture; Centers for Disease Control and Prevention, U.S. Department of Health and Human Services; and U.S. Department of Education. FNS-374, 'Making It Happen! School Nutrition Success Stories' Alexandria, VA January 2005.
3. Kirk, Roger. 'Healthy Vending' January 2005: Vol. 192, No. 1  
<http://www.asbj.com/2005/01/0105coverstory2.html>
4. North Carolina School Nutrition Action Committee (SNAC). 'Soft Drinks and School-Age Children: Trends, Effects, Solutions' July 2002. [www.asu.edu/educ/epsi/CERU/Articles/CERU-0203-41-OWI.pdf](http://www.asu.edu/educ/epsi/CERU/Articles/CERU-0203-41-OWI.pdf)