



COLORADO DEPARTMENT OF EDUCATION

201 East Colfax Avenue • Denver, Colorado 80203-1799
303.866.6600 • www.cde.state.co.us

Dwight D. Jones
Commissioner of Education

Robert K. Hammond
Deputy Commissioner

Kenneth R. Turner
Deputy Commissioner

CN09-G-015

TO: Superintendents, Nutrition Directors, and Sponsor Representatives

FROM: Herminia J. Vigil, Director - Nutrition & Transportation Unit

DATE: November 17, 2008

SUBJECT: Aerated Beverages Categorized as “Soda Water” from the Competitive Food Services Regulation

Please be informed that the Food and Nutrition Service (FNS) has recently determined that all beverages labeled as “aerated” or that bubble and fizz for several minutes after opening are to be categorized as, “Soda Water” defined by the Competitive Food Services regulation 7 CFR Part 210.11 and Appendix B of this part.

Despite the fact that the definition for soda water found in Appendix B (a) (1) only uses carbon dioxide as the measure, FNS does not differentiate between aerated water and soda water. These two types of products are viewed and served the same way, and FNS does not believe that children can separate the two products. Perception is very important when making foods available to school-age children. The child only sees a “soda” and will not understand the difference between an aerated or carbonated one. FNS considers aerated beverages to be foods of minimal nutritional value, and as such, they may not be served in the food service area during the meal periods of both the National School Lunch and School Breakfast Programs.

Below is a link to the list of exemptions under the Competitive Foods Regulation.

<http://www.cde.state.co.us/cdenutritran/download/pdf/ExemptFoods.pdf>

Please contact this office if you have questions.