

**Regulations, guidelines and voluntary initiatives on
soft drink availability in schools around the world**

An Unpublished Report prepared for the World Heart
Federation, Geneva

By

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This report would not have been possible without the key informants. The author is extremely grateful to these informants for the information they provided. Any omissions or inaccuracies are the responsibility of the author. Please send any additions or corrections to the report to the author at corinnahawkes@aliceadsl.fr

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1 Introduction, methods and definitions

This report compiles and analyses regional, national and sub-national laws, regulations, guidelines and voluntary industry initiatives (hereafter termed “regulations, guidelines and initiatives”, or RGI) that affect the availability of soft drinks in schools around the world. Regulations are defined as legislation or rules promulgated by government that schools must adopt, either because they are legally binding or because they are enforced as if mandatory. Guidelines are rules and standards promulgated by government that are voluntary for schools to adopt. Voluntary initiatives are actions taken and led by the beverage industry that affect the availability of soft drinks in schools. The report also identifies information on how foods and drinks in general are provided in schools, specifically soft drinks.

Information about RGIs was obtained through two means. First, through a search of industry and government websites, academic papers, newspaper reports, and news updates concerned with marketing and the food and drink industry. This process was used to identify reports of actions or concerns about soft drinks in schools. Second, key informants from the regions/countries where actions/concerns had been reported were contacted for more information. The search was thus intentionally “biased” in favour of countries with some form of RGI. In addition, because minimal information about Latin America and the Caribbean was obtained from the initial search, a brief survey of the countries in the region was carried out in co-operation with the Pan-American Health Organisation. In the end, Africa was regrettably not represented as a region, and very limited information was available from the Middle East. But information was obtained from throughout Europe, Australasia and the Pacific, Latin America and the Caribbean, and several Asian countries.

Efforts to make contact with key informants in some countries were unsuccessful, but in total, information was obtained from 48 countries.¹ E-mail interviews were conducted with key informants in 34 of these countries. These key informants came from governments, international organisations, consumer organisations, academia, companies and trade associations. They were interviewed about the availability of soft drinks in schools, and the nature, content and implementation of RGIs in their country. A brief report was then compiled for each country and subsequent text was then in most cases sent to the key informant for verification, and changes then made if necessary.

The report starts by briefly describing the availability of soft drinks in schools around the world. It then presents a global overview of the regulations, guidelines and initiatives, followed by an analysis of their nature, content and implementation. It then raises the implications for the development of a global “agreement.” Each of the identified regulations, guidelines and initiatives around the world are listed in detail and fully referenced, in Appendices 1 and 2. They are presented in summarised form in the main text below.

¹ This includes England and Scotland as separate countries, and counts Hong Kong SAR as a country. It includes the European countries for which detailed information was obtained, but not all the countries covered by the UNESDA agreement. It counts “Pacific Islands” as one country since detailed information could only be obtained for one Pacific Island country (Fiji), and French Polynesia adopts the same regulations as France

2 Availability of soft drinks in schools

Key informants from most of the countries surveyed reported that soft drinks are widely available in schools. There are three channels of distribution: school meal, school “shops” (e.g. tuckshops, kiosks, snack bars), and vending machines. Soft drinks are least likely to be available in school meals: soft drinks are sold alongside meals in some countries, but they are rarely (if ever) made available through subsidised school meal programs. Soft drinks are most widely available through school “shops”. These include what are termed tuckshops, kiosks, snackbars, as well as outlets where children purchase lunch (sometimes termed “canteens” or “cafeterias”). To a lesser extent, they are available in vending machines; vending is significant in some countries, but vending machines are absent from schools in many countries around the world, or are only present in some schools.

Soft drinks are most widely available in secondary (“high”) schools. Data from national surveys of schools in the United States show that in 2004/05, 88% of high school students had soft drinks available to them through vending machines, and 59% in lunchtime a la carte cafeterias.² Most students (67% in middle and 83% in high school) are in schools that have a contract with a bottler. In rare example of data available on this issue outside the United States, a survey in Norway in 2000 found that vending machines were found in 60% of schools (grades 11-13).³ 92% of these vending machines sold sugar-sweetened soft drinks, 71% sold artificially-sweetened drinks, and 53% sold bottled water. In addition, 84% of school cafeterias sold sweetened soft drinks and 80% sold artificially sweetened drinks.

Soft drinks are also available in primary schools in many of the countries surveyed. This included all the Latin American and Caribbean countries surveyed. In Mexico, a survey by the National Institute of Public Health of 12 primary schools showed that sweetened soft drinks were available in 94% of the studied schools, bottled water available in 77% (at a higher price than the sweetened drinks), “free” water in 38%, and diet drinks in 6%. There is less information from Asia, but a more mixed picture emerges from what is available; soft drinks are available in some primary schools in some countries and not in others. Soft drinks are found relatively rarely in primary schools in Western European and North American countries. A survey in Denmark, for example, found that soft drinks are available in only around 3% in primary schools. Still, some European countries, including Italy, Latvia and Spain did report that soft drinks are available (or had been available) in schools to children of primary school age.

Key informants also reported that soft drinks are available to children during the school day from shops and street vendors in the vicinity of schools. Children are able to, and do, purchase soft drinks from these vendors, some of which specifically set up in order to attract children before and after school, and during school breaks.

² Johnston LD, Delva, J, O’Malley PM. Soft drink availability, contracts, and revenues in American secondary schools. *American Journal of Preventive Medicine* 2007; 33: S209-S225.

³ (1): Results from the 2000 School meal & food survey: Grade 11-13: Skolemåltidet og fysisk aktivitet i videregående skole. Available at: http://www.shdir.no/publikasjoner/rapporter/skolem_ltidet_og_fysisk_aktivitet_i_videreg_ende_skole_24131

No information was obtained on the brand and types of soft drinks available in schools, but several key informants reported that locally-made soft drinks, such as ice drinks were also available to school children as well as the mainstream brands.

3 Global overview of regulations, guidelines and initiatives

3.1 *The numbers*

Regulations, guidelines and initiatives (RGI) were identified in 27 out of the total of 48 countries for which information was obtained (see Table). Specifically:

- One large region (Europe) and four countries have voluntary industry-led initiatives (not counting all the countries covered by the European agreement)
- Eighteen countries, and/or a significant number of states/provinces within those countries, have government regulations mandating that certain soft drinks should not be sold in schools
- Four countries have government guidelines recommending that soft drinks are not provided anywhere in schools
- Five countries, plus one Canadian province, have voluntary guidelines that recommend that soft drinks are not served in school meals, but do not address other channels
- In five countries, there are no regulations, but some schools have voluntarily decided to restrict the availability of soft drinks
- The remaining 16 countries have no restrictions at all, and soft drinks are widely available in secondary, and usually primary schools

Note that the absence of soft drinks in primary schools in some European countries does not reflect the presence of specific regulations. Soft drinks have simply never been available in primary schools in these countries.

3.2 *Voluntary initiatives*

The most comprehensive voluntary industry initiative is the ABA/AHG initiative in the United States, which Coca-Cola, PepsiCo and Cadbury Schweppes have pledged to support. The guidelines, published in 2006, restrict all full calorie sugar-sweetened soft drinks (i.e., sugar-sweetened carbonated drinks) from high schools. (Previous ABA guidelines and the Coca-Cola Model School Guidelines for School Beverage Partnerships recommend/ed that a wide variety of drinks should be available in high schools.) PepsiCo also have an official schools policy, which states that bottlers and distributors should comply with ABA/AHG Guidelines and state regulations.

The second voluntary initiative is in Canada. The trade association, Refreshments Canada, published “Industry Guidelines for the Sale of Beverages in Schools” in 2007. The guidelines are exactly the same as the ABA/AHG guidelines. Coca-Cola Ltd Canada and PepsiCo Canada have pledged to follow the guidelines.

Table: Regulations, guidelines and initiatives affecting soft drink availability around the world

RGI	Regions/countries
Voluntary initiatives by soft drinks industry^a	United States; Canada; Europe-wide, plus related and additional initiatives in specific countries (e.g. Belgium, Denmark, Finland, Spain); Australia; New Zealand
Regulations	United States (federal plus 31 states + DC), Cyprus, England, France, Greece, Latvia, Portugal, Scotland; 3 Australian states, New Zealand, Fiji; Ten cities, municipalities and states in Brazil, Costa Rica (TBA); Japan, South Korea (TBA), Malaysia, Philippines; Iran
Government guidelines	Nine Canadian provinces; Finland, Hungary, Hong Kong (primary schools only)
Guidelines on school meals only	Denmark; Germany, Netherlands, Norway, Sweden; one Canadian province
No regulations or guidelines but voluntary action by some schools	Belgium (Brussels) Ireland, Poland: India, Thailand
No regulations or guidelines	Italy, Spain (guidelines under development for meals and policy of engagement with private sector under NAOS); Mexico (under development for primary schools) plus 13 Latin American/Caribbean countries: Belize, Bolivia, Chile, Ecuador, Guatemala, Guyana, Jamaica, Nicaragua, Paraguay, Peru, Trinidad and Tobago, Uruguay, Venezuela

^a Additional pledges may exist in other countries, but could not be identified through a search of corporate responsibility websites and reports from leading companies. Of note, in May 2008, the International Council of Beverages Associations released a set of Guidelines on Marketing to Children which recommend that soft drinks should not be advertised to children under the age of 12, but the agreement does not cover soft drinks availability in schools to children under the age of 12. Coca-Cola and PepsiCo signed up to a similar pledge in Thailand.

The third voluntary initiatives applies to all member companies of the Union of European Beverages Associations (UNESDA), which comprise the national non-alcoholic beverages associations of the European Union and company members of the Non-Alcoholic Beverages Companies of Europe (NABCO) who conduct business in at least five EU Member States. It comes in the form of a commitment to the European Union Platform on Diet, Physical Activity and Health. In it, UNESDA members pledge not to engage in any commercial activity in primary schools, and to ensure a full range of drinks is available in secondary schools. There are over 100 signatories to the commitment. In addition, soft drinks companies in several individual European countries have developed related or addition codes, such as Coca-Cola Enterprises in Belgium, the Federation of Brewing and Soft Drinks Industry in Finland, the Danish Brewers Association in Denmark, CONFIDA (the vending machines association) in Italy, and ANEDA (The National Association of Vending Machine Distributors) in Spain. All of these codes reflect the UNESDA commitment not to sell or market products in primary schools, and make a full range of drinks available in secondary schools.

The fourth commitment is in Australia. The “Commitment Addressing Obesity and Other Health and Wellness Issues” of the Australian Beverage Council Ltd (ABCL) comprises the same language as the UNESDA commitment, but also states that companies will withdraw sugar-sweetened carbonated soft drinks from secondary schools where requested by government, school authorities or parents.

The fifth initiative is in New Zealand. There, Coca-Cola Amatil and Frucor Beverages agreed with the government in 2006 not to sell any full sugar carbonated drinks or energy drinks in secondary schools. The pledge is unique in that it was negotiated directly with government. In addition, in both Australia and New Zealand, Coca-Cola Amatil pledged in 2004 not to sell any soft drinks with added sugar in primary schools.

No other voluntary initiatives could be identified, although it should be noted that in May 2008, the International Council of Beverage Associations pledged not to advertise soft drinks to children under the age of 12, a pledge echoed recently in Thailand in the “Thai Pledge”.

3.3 *Regulations and guidelines*

Between countries (and sometimes between states/provinces within countries), there is a great deal of variation in the nature and form of government regulations and guidelines. They vary with regard to:

- objectives
- parties involved in development
- sales channels and schools covered
- the way different soft drinks are dealt with
- monitoring and implementation.

These variations are also found with and between the voluntary initiatives. These characteristics are thus now analysed for both voluntary initiatives and regulations/guidelines.

4 Objectives

The RGIs had a range of stated objectives. Government-led regulations and guidelines usually had the goal of *encouraging healthier eating in the school environment*. The vast majority of the government-led regulations and guidelines on soft drinks are not specific to soft drinks, and are just one component of broader nutritional standards set for school food. Their objective is to encourage healthy eating in the school environment. This applies to the regulations and guidelines in Canada, Cyprus, England, Greece, Hungary Portugal, Scotland; Australia, New Zealand, the Pacific Island countries; Brazil; Hong Kong, Japan, Malaysia, the Philippines and South Korea.

In a minority of cases, government regulations and guidelines are more or less specific to soft drinks, and here the objectives are varied. In France, the objective of removing vending machines was to *discourage the habit of snacking* – thus the removal of vending machines

altogether, rather than simply altering the drinks available in those machines. In Latvia, soft drinks were restricted with the objective of *removing additives and flavourings* from children diets. In Costa Rica, the regulation (TBA) is an action taken with the objective of reducing obesity in children through *the promotion of healthy food and nutrition*.

The voluntary initiatives had a range of stated objectives, specifically:

- ***Reducing the number of calories available to children during the school day:*** This much more specific objective was stated by the ABA/AHG initiative and Refreshments Canada guidelines. While there is no explicit objective of the New Zealand agreement, it is implied that it is part of a general strategy to reduce the “amount of high sugar foods that are consumed.”
- ***Assisting in the management of obesity:*** This broader goal was stated by the Australian Beverage Council pledge, which included additional commitments alongside the schools pledge.
- ***Acting responsibly in the market place:*** This different type of objective was stated by the UNESDA initiative, which also included an array of other commitments.

5 Parties involved

Different parties have been involved in the development of RGIs. With regard to voluntary initiatives, the ABA/AHG guidelines were developed by the beverage industry in partnership with a major non-governmental organisation (NGO) and foundation. In contrast, the UNESDA commitment and the Coca-Cola/Frucor agreement in New Zealand were part of government initiatives, as was the voluntary pledge in Spain. The initiatives in Canada and Australia were developed by trade associations independently. Companies have been involved with development either directly or through their trade associations.

Different parties have likewise been involved with the development of government-led regulations and guidelines. Development has usually have led by the ministry of health and/or education and/or a food or special designated agency. Regulations/guidelines that set nutritional standards usually involved a consultation process. An analysis of the development of the regulations in Brazilian states reflects the number of parties often involved: Ministries of Health and Education, NGOs, universities, parents, teachers, owners of vending machines, nutrition councils, private schools syndicates, food school councils and others.⁴

6 Sales channels and schools covered

The sales channels covered by RGIs in large part reflect the different systems of food provision in schools around the world, and if and how the government oversees this provision. Globally, there are a wide variety of different arrangements through which food is made available in schools. Schools around the world may have one or more of the following arrangements:

⁴ Ministério da Saúde/ Ministério da Educação. *Educação Alimentar em Meio Escolar: Referencial para uma oferta alimentar saudável*. 2006.

-
- School meal provision
 - Meals in cafeterias (sometimes termed “canteens”), either free or at cost, sometimes mandated by government, sometimes not, sometimes operated by the school, sometimes by a third-party
 - No meals provided; instead children bring a pack lunch and/or leave the school premises to buy lunch outside the school and/or go home for lunch
 - Shops
 - Food available at “tuckshops” and kiosks
 - Foods such as sandwiches and drinks available at snackbars (sometimes termed “canteens”, even though they are different from cafeteria-style canteens)
 - Vendors and shops in the immediate vicinity of the school
 - Vending machines
 - Food/drink vending machines widely available which may or may not involve a contract with the company providing the vending machine
 - No vending machines at all
 - A very limited number of vending machines

These differences are found between countries, but also within countries, such as between primary and secondary schools, and public and private schools. There are also differences in the scale at which school food is regulated. In many countries, regulation of schools occurs at the local level (e.g. state, city, district). In others regulation is comes from national government. In others, regulation is divided between national and local authorities.

The RGIs surveyed here tended to fall in one of five “modes of coverage”:

Mode 1. RGIs on soft drink availability apply to all in-school channels, including meals:

In this model, governments have decided to develop one law covering all school foods as opposed to have two sets of regulations/guidelines covering differing sales channels. RGIs falling into this mode are the UNESDA commitment in Europe and voluntary initiatives in Australia and New Zealand; most Canadian provinces; England, Hungary Latvia, Scotland, Portugal; Hong Kong (primary schools only); Malaysia, the Philippines; Iran.

Mode 2. Regulations or guidelines recommend that soft drinks are not served with school meals, and additional national, state or voluntary RGIs impose additional restrictions on other in-school channels: In this model, existing government regulations/guidelines dictate or recommend that soft drinks should not be served with school meals, and additional governments (national or state) regulations/guidelines or voluntary initiatives impose further restrictions on other sales channels. RGIs falling into this model are the state laws and ABA/AHG guidelines in the United States, and the laws in France, the ten cities/municipalities/cities in Brazil, Costa Rica (TBA) and Japan, and the government guidelines in Finland.

Mode 3. Meals are not provided in schools but RGIs restrict soft drinks from sale in other channels: This Mode is similar to Mode 1 in that it covers all sales channels but does

not apply to meals since they are not available. The three Australian provinces, New Zealand, Cyprus and Greece fall into this mode.

Mode 4. Soft drinks are restricted from sale in schools under Modes 1, 2 or 3 and also cover the area around schools. This is the same as Mode 1 but also covers the area in the immediate vicinity of schools. Fiji and South Korea (TBA) are the only two countries taking this approach.

Mode 5. Regulations or guidelines recommend that soft drinks are not served with school meals, but soft drinks are available from school “shops” and/or vending machines: In this mode, soft drinks are not available in subsidised school meals, either because of nutritional standards or cost considerations, but soft drinks are available in school shops and/or vending machines. Countries in this category are Denmark, Germany, Netherlands, Norway, Sweden, and Latin American countries with school meal programs.

RGIs may also apply to different schools, or treat different schools differently, specifically primary and secondary schools. Government regulations and guidelines may be specifically for secondary schools, or both secondary and primary schools. In some cases, where soft drinks are available in primary schools, the regulations are specifically for primary schools, such as the guidelines in Hong Kong and those under development in Mexico.

Voluntary initiatives tend to treat primary and secondary schools differently. They are generally more restrictive in primary schools and take a wider variety of approaches to secondary schools. For example, the UNESDA agreement states that soft drinks companies should not engage in any direct commercial activity in primary schools, unless otherwise requested by school authorities, but recommends that a wide range of drinks is available in secondary schools. In New Zealand, Coca-Cola Amatil and Coca-Cola Oceania have pledged that “From the commencement of the 2004 school year, the System will not sell carbonated soft drinks containing sugar to primary schools for consumption by students.”

7 Differences in the soft drinks covered

There is considerable variation in the way different drinks are dealt with in different RGIs. Though details could not be obtained for all the RGIs, the information that was available suggested six differing approaches. With declining degree of stringency these are:

- ***No vending machines at all and only water, milk and 100% fruit juice in school shops and/or meals.*** This most stringent approach is found in France, Cyprus, Greece and Japan.
- ***All sugar-sweetened and artificially-sweetened soft drinks are excluded.*** The second most stringent approach is also the approach taken by the largest proportion of government regulations and guidelines. It essentially limits all drinks in schools to water, milk and 100% fruit juice and unsweetened protein drinks, juice/water combination drinks and milk/yoghurt drinks. This approach is taken by Connecticut and the District of Columbia in the United States, a majority Canadian Provinces,

England, Latvia, Portugal, Scotland; Queensland-Australia, Fiji; the Philippines (the latter is not confirmed).

- **All sugar-sweetened drinks are excluded, including sports drinks and sugar sweetened fruit drinks, but artificially sweetened drinks are permitted.** This approach is taken in the TBA regulation in Costa Rica, and regulations and guidelines in, NSW and Victoria, Australia, and a minority of Canadian provinces.
- **All sugar-sweetened carbonated soft drinks are excluded, but other sugar-sweetened drinks and artificially-sweetened drinks are permitted under certain conditions.** This approach, the second least stringent, permits sports drinks and any sugar-sweetened drinks as long as energy content does not exceed 66 calories per 8oz (or 70 calories per 225ml). There are also portion size limits. It is the approach taken by the ABA/AHG guidelines and the majority of state laws in the United States, and the voluntary commitment and national regulation made in New Zealand.
- **No restrictions, but low- and no-calorie drinks, milk and fruit drink should be available along side sweetened carbonated drinks.** This is the least stringent approach. In some cases a ratio is specified for the amounts of different drinks (see below). This approach is taken in laws in several US states. It is also the approach taken by the UNESDA agreement in Europe, and the voluntary agreement in Australia. The ABA guidelines in place prior to the AHG agreement also took this approach, as do the Coca-Cola model guidelines for partnerships with schools.

There are also different approaches to categorising the different groups:

- **Ratio approach:** In this approach, the guideline sets a ratio of the proportion of the different types of soft drinks that should be available. This approach is taken by the ABA/AHG guidelines and in state laws in the United States. For example, the ABA/AHG guidelines state that at least 50% of non-milk drinks must be water or no- and low calorie options.
- **Traffic lights, “choose most/moderately/least”, “everyday/sometimes/ occasional” or “yes/select with care/no”:** In this approach, different soft drinks are classified according to one of three categories. It is the approach taken by regulations and guidelines in Australia, New Zealand, Canada and Scotland. Prohibited drinks are placed in the “red”, “choose least”, “occasional” or “no” categories. The presence of a middle category means that even drinks that are permitted may be only permitted on condition they are not served frequently because they are the “choose moderately”, “amber” or “select with care” category. For example, in Scotland, all permitted drinks except for water and low fat milk fall into the “select with care” category; artificially-sweetened drinks fall into the “amber” category in the one Australian state that permits them, and sports drinks fall into the “sometimes” category in New Zealand.
- **No particular categorisation:** In this approach, taken by the other voluntary initiatives and other countries with regulations and guidelines, the different types of soft drinks are either permitted or not, with no more sophisticated categorisation.

Some regulations also include considerations on portion size, including those in the US, many countries in Europe, and Australia/New Zealand.

It is also worth noting the differences between voluntary initiatives and government regulations or guidelines that co-exist in the same countries. In the United States, the

ABA/AHG guidelines are more stringent than any other state law bar two. But in Canada, the same guidelines adopted by Refreshments Canada are less stringent than a majority of the (voluntary) guidelines developed by each province. In New Zealand, the voluntary agreement and the government regulations take the same approach in restricting sugar-sweetened carbonated drinks but permitting sports drinks, although sports drinks fall into the “sometimes” category in the regulation. In Europe, where regulations or guidelines exist on soft drink availability beyond school meals, they are more stringent than the UNESDA commitment.

8 Monitoring and implementation

There are three key issues concerning implementation First, whether the RGIs are being monitored. Second (and related), if they have been implemented. Third, who is responsible for implementation and enforcement.

In the first instance, monitoring only appears to have been conducted and reported on by the voluntary initiatives. The ABA/AHG initiative has produced two monitoring reports, as has the UNESDA commitment. Some monitoring has also been done by companies/associations within specific European countries. A monitoring report from Refreshments Canada is due shortly. ABCL produced a third-party monitoring report in 2007 and another is due shortly. It appears, though, that the Coca-Cola/Frucor pledge in New Zealand has not been monitored.

With regard to government regulations and guidelines, in many European countries and Australia/New Zealand, monitoring occurs through standard school inspections that examine compliance with all school regulations. But overall, little information is available about monitoring of regulations and guidelines; monitoring results are either not publicly available or monitoring has not taken place. One exception is a comprehensive report of the foods available in schools in France.⁵ The recent introduction of regulations may be one reason why information on implementation has not been compiled and released. Information on this issue was thus only obtained as anecdote from key informants.

According to monitoring reports from voluntary initiatives, plus anecdotal information from key government informants, implementation has varied from being very successful, shown some success but still some way to go, or unsuccessful. No generalisations can be made on whether implementation has been more successful for regulations/guidelines relative to voluntary initiatives, or vice versa.

Monitoring of the ABA/AHG guidelines suggests it has been successfully implemented. In September 2008, the ABA reported that 79% of school contracts are in compliance with the guidelines (the guidelines called for 75% of schools under contract with bottlers to be in compliance by the start of the school year 2008), meaning that calories from all beverages

⁵ Évaluation de la connaissance et de l'application de la circulaire du 25 juin 2001 relative à la composition des repas servis dans les établissements publics du second degré (2005-2006) en restauration scolaire et à la sécurité des aliments. Agence française de sécurité sanitaire des aliments, Juillet 2007.

shipped to schools nationwide declined by 58% between 2004 and 2007/2008 and shipments of full-calorie soft drinks have been cut by 65% in all schools.⁶

UNESDA also report success in implementing its commitment, although monitoring has only been conducted in four European countries (none of which have any government regulation). Monitoring showed that 93.9% of primary schools were in compliance, 66.9% of secondary schools showed compliance by serving a full range of drinks.⁷

There has also been some monitoring done by trade associations or companies at a national level. In Belgium, Coca-Cola says that in 2007, all the primary schools apply their code, as do 96% of high schools. However, in Spain, the vending machine association, ANEDA, did not monitor or otherwise follow up on its pledge not to locate vending machines in areas easily accessible to infant and primary-aged students, increase the product mix, or publish a guide to good practices. As a result, the government has set up a working group with the Regional Public Health Authorities to discuss if government regulation is needed.

In Australia, the third party auditor reported in 2007 that, following requests by government authorities, the three companies supplying sugar sweetened carbonated drinks to schools took steps to withdraw them, pulling them out of a total of 1341 schools (they had previously been supplied to 2865 schools).⁸ Companies also reported changing their pack sizes, introducing juice-based products, and in general working to comply with the state regulations where implemented. However, no efforts had been made to contact third-party distributors about the commitments. The auditor thus concluded that: Although ... the measures to improve the range and sizes of products sold is a positive move towards improving the healthfulness and choices for secondary students... further work is required to fully comply with this commitment.”

With regard to government regulations and guidelines, some have clearly been successfully implemented. In France, the law banning vending machines was immediately and successfully implemented; the vending machines were removed at the request of the school heads, who either broke or did not renew contracts with the vending machine operator/beverage companies. No official information is available from Latvia. and Portugal, but key informants believe that the laws have been implemented. Regulations have also reportedly been successfully implemented in Australia. In New Zealand, there is no comprehensive data on implementation, but small surveys and feedback from staff at The National Heart Foundation of New Zealand who work directly with schools indicate that almost most schools in New

⁶ American Beverage Association. *School Beverage Guidelines Progress Report 2007-2008*. Available at: <http://www.schoolbeverages.com/download.aspx?id=111>

⁷ UNESDA. *Responsibility and Choice in Action: First monitoring results of UNESDA commitments to the European Platform for Action on Diet, Physical Activity and Health, April 2007*. Available at: http://www.unesda.org/linkdocs/monitoring_results.pdf

⁸ Food and Nutrition Australia. Progress Report. *ABCL's 'Commitment Addressing Obesity and Other Health and Wellness Issues' – Audit Against Key Performance Indicators*. Prepared for: Tony Gentile, Chief Executive Australian Beverages Council Ltd, November 2007. Copy obtained direct from Mr Gentile.

Zealand have removed sugar sweetened soft drinks and a large proportion have also removed artificially -sweetened soft drinks. Many schools removed soft drinks directly after the launch of the government regulations in July 2007. One school reported that before the Beverage Guidelines, they were selling about 6450 'red' category drinks each month. In less than a week after implementing the guidelines, all full sugar carbonated drinks were removed from sale. In Japan, it is widely reported that the regulations are implemented and enforced by schools. Soft drinks have also reportedly disappeared from schools in Iran.

Other countries present a more mixed picture. In Cyprus, it was reported that enforcement of the regulation varies depending on the awareness and willingness of the responsible committees. But in some cases, a fine has been imposed on canteen operators for selling soft drinks, and their contract suspended. In Fiji, implementation faced challenges, but it is reported that schools are now beginning to remove sweetened soft drinks. In some countries, implementation appears to be weak. In Greece, a consumer group reported that the regulation is not enforced at all and school shops (“canteens”) frequently flout the law. The same applies in Malaysia, where it is reported that canteen operators still serve soft drinks, and soft drinks are still available in vending machines.

No information was available from state laws or provincial guidelines in the United States Canada. Nor was information available from England, Scotland, Brazil, the Philippines, and or Hong Kong.

The third issue is who takes responsibility for implementation. One of three parties is usually responsible for implementation: schools, third-party private operators of school shops, or the soft drinks companies or their trade association. This depends to some extent on the sales channels through which soft drinks are available.

- In government regulations and guidelines, the *schools* are usually responsible for implementation. In the case of regulations, schools are obliged to comply by changing their orders from the companies supplying them with drinks for school shops and vending machines. In England, Scotland and Australia and New Zealand, it was reported that enforcement comes in the form of standard school inspections.
- In schools where shops are operated by commercial entities, *private contractors* are responsible for implementation on conjunction with the *schools*. In Cyprus, for example, enforcement is the responsibility of local parents committees, the school director and the regional school committees, but the regulation is implemented via private operators of canteens and failure to comply is meant to lead to withdrawal of the license. The same applies in Malaysia, where the private contractor selected must sign a license agreement with the Ministry of Education and the school, which includes an agreement to comply with the guidelines. Failure to comply is supposed to mean the termination of operating license.
- In voluntary initiatives, responsibility shifts towards the *companies*. This is not always clear-cut: several of the voluntary initiatives include clauses like “at the request of the schools” which implies that responsibility remains with the schools. For the ABA/AHG guidelines, the companies have taken responsibility for implementation. This is a dramatically different approach from government-led regulation. It is also an approach with a great deal of implementation challenges. This is because it is the soft

drink *companies* who signed the ABA/AHG agreement, but the *bottlers* and their schools sales forces, or *third party distributors* who actually distribute the drinks to schools. *Bottlers and other distributors are not obliged to comply*, since the agreement is not written into the contracts between the parent soft drink companies and their bottlers. Moreover, *schools are not obliged to comply* (as they would be under a government-led approach), so they may also need to be convinced about adopting the guidelines. Thus the approach requires the companies asking their bottlers to comply, training the bottlers, who then have to train their sales forces, who in turn, in some cases, may have to educate the schools about the guidelines. It also involves altering school contracts and working with third party distributors and contract operators. In applying their commitment, UNESDA have also had to engage in training of companies, distributors, sale forces and schools.

A potentially important aspect of implementation concerns contracts. Contracts between bottlers and schools may need to be changed to account for RGIs. This is potentially an added complication, but does actually allow the new guidelines to be reflected in renegotiated contracts and the changes to be monitored. Where there are no contracts, schools or private contractors just need to change what they order.

Appendices

9 Appendix 1: Voluntary beverage industry initiatives

9.1 International

There are currently no international voluntary guidelines on the provision of soft drinks in schools. The International Council of Beverages Associations did, however, issue a set of Guidelines on Marketing to Children in May 2008.⁹ The guidelines recommend that companies should not engage in broadcast (TV and radio), print and digital media (including internet and phone messaging) and cinema (including product placement) advertising of soft drinks except for water (mineral, source and purified) fruit juice, and dairy-based beverages to children under the age of 12 (i.e. where the marketing audience consists of 50% or more of children under the age of 12).

9.2 North America

9.2.1 United States

The United States has most extensive voluntary initiative in the world. The School Beverage Guidelines of the American Beverage Association (ABA) were brokered by the Alliance for a Healthier Generation (a joint initiative of the American Heart Association and the William J. Clinton Foundation) in 2006. All three major soft drinks companies, Coca-Cola Company, Dr Pepper Snapple Group and PepsiCo, Inc, have pledged to adhere to the guidelines. The ABA guidelines mark a significant shift from previous ABA guidelines¹⁰ (and those developed by the Coca-Cola Company), in that they recommend that full-calorie soft drinks are not made available in any public school. The stated objective of the guidelines is “to accelerate the shift to lower-calorie and nutritious beverages that children consume during the regular and extended school day. This new policy shifts the focus to calories and the educational environment in which those calories are consumed,”¹¹ or, put another way “reduce the number of calories available to children during the school day.”¹² The policy covers sales through

⁹ *International Council of Beverages Associations Guidelines on Marketing to Children*. Available at: <http://www.icba-net.org>

¹⁰ The previous ABA “Beverage Industry School Vending Policy”, set one year earlier in 2005 did permit full calorie soft drinks in middle and high schools. The guidelines were; Provide only bottled water and 100 percent juice to elementary school students; Provide nutritious and/or lower calorie beverages to middle-school students, such as bottled water, 100% juice, sports drinks, no-calorie soft drinks and low-calorie juice drinks. No full-calorie soft drinks or full-calorie juice drinks with five percent or less juice provided until after school hours. ; Provide a variety of beverage choices to high school students, such as bottled water, 100 percent juice, sports drinks and juice drinks. No more than 50 percent of the vending selections will be soft drinks.

¹¹ Alliance for a Healthier Generation. *Memorandum of Understanding*. Available at:

<http://www.ameribev.org/industry-issues/school-beverage-guidelines/fact-sheets/download.aspx?id=149>

¹² AHA News 05/03/2006. Alliance for a Healthier Generation and Industry Leaders Set Healthy School Beverage Guidelines for U.S. Schools. Available at:

<http://www.americanheart.org/presenter.jhtml?identifier=3039339>

vending machines, a la carte lines, and school stores. The Guidelines recommend that the following beverages are available in schools:¹³

Elementary Schools

- Bottled water
- Up to 8 ounce servings of milk and 100% juice
 - Fat-free or low-fat regular and flavoured milk and nutritionally equivalent (per USDA) milk alternatives with up to 150 calories/ 8 ounces
 - 100% juice with no added sweeteners, up to 120 calories / 8 ounces, and with at least 10% of the recommended daily value for three or more vitamins and minerals

Middle School

- Same as elementary school, except juice and milk may be sold in 10 ounce servings
- As a practical matter, if middle school and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard

High School

- Bottled water
- No- or low-calorie beverages with up to 10 calories / 8 ounces
- Up to 12 ounce servings of milk, 100% juice and certain other drinks
 - Fat-free or low-fat regular and flavoured milk and nutritionally equivalent (per USDA) milk alternatives with up to 150 calories / 8 ounces
 - 100% juice with no added sweeteners, up to 120 calories / 8 ounces, and with at least 10% of the recommended daily value for three or more vitamins and minerals
 - Other drinks with no more than 66 calories / 8 ounces
- At least 50% of non-milk beverages must be water and no- or low-calorie options

Time of Day

- All beverages sold on school grounds during the regular and extended school day.
- The extended school day includes before and after school activities like clubs, yearbook, band, student government, drama and childcare/latchkey programs.
- These guidelines do not apply to school-related events where parents and other adults are part of an audience or are selling beverages as boosters during intermission, as well as immediately before or after an event. Examples of these events include school plays and band concerts.

¹³ American Beverage Association. School Beverage Guidelines. Available at: <http://www.schoolbeverages.org/guidelines/guidelines-specifics/download.aspx?id=113>

In September 2008, the ABA released a progress report on the implementation of the guidelines.¹⁴ The report found that:

- Calories from all beverages shipped to schools nationwide declined by 58% between 2004 and 2007/2008.
- Shipments of full-calorie soft drinks have been cut by 65% in all schools.
- 79% of school contracts are in compliance with the guidelines (the guidelines called for 75% of schools under contract with bottlers to be in compliance by the start of the school year 2008).
- This percentage more than doubles the percentage of contracts in compliance one year ago (35%).

Pre-dating the ABA guidelines are the “Model School Guidelines for School Beverage Partnerships” developed by The Coca-Cola System to guide all school agreements in the United States. The Guidelines state that:¹⁵

- In elementary schools:
 - Products for students in elementary schools should include 100% juices, milk-based products and water. Other products that may be available in addition in elementary schools include juice drinks and rehydrating sports drinks.
 - Carbonated soft drinks should only be available in teachers' lounges and in vending machines designated for community use after school hours. Carbonated soft drinks should not be available to students during the school day. While carbonated soft drinks are appropriate for people of all ages, we've heard from parents and educators that younger children need help in making sound choices and for this reason carbonated soft drinks are not available in elementary schools during the school day.
- In middle schools and high schools:
 - Products for middle school and high school cafeterias should include 100% juices, milk-based products and water. Other products that may be available in addition include juice drinks, teas and rehydrating sports drinks.
 - Products available in middle school and high school vending machines may include 100% juices, milk-based products, water, juice drinks, teas, rehydrating sports drinks and carbonated soft drinks. A full array of juices, water and other products must be available wherever carbonated soft drinks are sold.

The official schools policy of **PepsiCo** is as follows:¹⁶

- Through our bottling partners and third-party distributors in the United States, Pepsi-Cola North America (PCNA) is committed to offering schools a portfolio of low-

¹⁴ American Beverage Association. *School Beverage Guidelines Progress Report 2007-2008*. Available at: <http://www.schoolbeverages.com/download.aspx?id=111>

¹⁵ The Council for Corporate and School Partnerships. *School Beverage Guidelines: Beverage Availability in Schools*. (2001). Available at: http://www.corpschoolpartners.org/bev_guidelines.shtml

¹⁶ *Pepsi-Cola North America's U.S. Schools Policy*. Available at: http://www.pepsico.com/PEP_Citizenship/HealthWellness/School_Policy/Index.cfm.

calorie and nutritious beverage choices. This wide variety of products includes bottled waters, juices, sports drinks and no- or low-calorie carbonated soft drinks, juice-flavored drinks and iced teas. Schools decide which beverages are available, and where and when they are sold. Within this framework:

- PCNA instructs our bottlers and third-party distributors to strictly comply with all federal, state and local regulations, including where and when vending machines are placed and operated.
- PCNA encourages our bottlers and third-party distributors to work closely with parents, community leaders and school officials to ensure that only products that meet the following guidelines, which were set by the American Beverage Association and the Alliance for a Healthier Generation, are offered to schools for sale to students through vending machines, á la carte lines and school stores.

In addition, PepsiCo have pledged to “not advertise our products in elementary and middle schools as these are the schools which children under 12 attend. This includes book covers, book packs, pencils, posters and the like.”¹⁷

9.2.2 Canada

The soft drink trade association in Canada, *Refreshments Canada*, introduced new “Industry guidelines for sale of beverages in schools” in May 2007.¹⁸ The guidelines, which are voluntary, aim to “reduce the number of calories and increase the nutritious beverage choices available to students during the school day”. They recommend that beverages in schools are limited to:

- In elementary schools, bottled water and up to 250ml of 100% juice or low-fat and no-fat regular and flavoured milk only
- In middle schools, bottled water and up to 300ml of 100% juice or low-fat and no-fat regular and flavoured milk only
- In high schools, bottled water and up to 355ml of 100% juice or low-fat and no-fat regular and flavoured milk, low or no-calorie options with no restrictions on container size, and other drinks with a maximum of 70 calories / 250ml. At least 50% of drinks on sale must be water and other low or no-calorie options.
- Timing: These guidelines apply to all beverages sold on school grounds during the regular and extended school day. The extended school day includes activities such as clubs, yearbook, band and choir practice, student government, drama, and childcare / latchkey programs.
- School events: This beverage policy does not apply to school-related events where parents and other adults constitute a significant portion of the attendees. Such events include interscholastic sporting events, school plays, band concerts, and where beverages are being sold as a part of fund-raising activities.

¹⁷ Children’s Food and Beverage Advertising Initiative. *Pledge of PepsiCo, Inc.* Available at: http://www.pepsico.com/PEP_Citizenship/HealthWellness/Philosophy/CARUPEPPLedge.pdf

¹⁸ Refreshments Canada. *Industry Guidelines For Sale Of Beverages In Schools.* May 2007. Available at: <HTTP://www.refreshments.ca/pdf/School%20guidelines%20RefCda%20website%20reload%20200705.pdf>

The guidelines were suggested to be effective immediately for all new and renewing school contracts. Refreshments Canada's goal stated goal was for "members to voluntarily implement the parameters of these guidelines by the 2009/2010 school year." No information is yet available on implementation, but a key informant from Refreshments Canada stated that within the next two months, a third party auditor will release a report on implementation progress.

In addition, Refreshments Canada say "We are also taking action to ensure that the graphics on our vending machines represent the choices that are available and/or depict images of healthy, active living. Finally, beverage companies will continue to respect the classroom and will not play any role in curriculum development at any school level."¹⁹

Coca-Cola Ltd., Canada, have made a commitment to follow these guidelines on the basis that "Coca-Cola understands that schools are a unique environment where it is appropriate to help support healthy, balanced choices when students may not have the benefit of direct parental supervision."²⁰ With regard to implementation, Coca-Cola Canada say that "In accordance with the Company's Model School Guidelines for School Beverage Partnerships, as well as local laws and regulations, Coca-Cola Ltd. and its bottling system partners have been actively converting the product offerings available in vending machines to comply with the guidelines. Vending machine fronts in schools at all levels are being updated to replace full calorie sparkling beverage brands, with brands consistent with the product guidelines above or non-commercial messaging. These guidelines do not prevent the company or its bottlers from offering appropriate programs to schools that encourage physical activity, academic achievement and positive youth development."²¹

PepsiCo Canada has also made a commitment to follow the Refreshments Canada guidelines.²²

9.3 Europe

In Europe, the Union of European Beverages Associations (UNESDA) has a series of commitments on "Responsible Choice" which include provisions on soft drinks in schools. The objective is to commit the European soft drinks industry to "acting responsibly in the marketplace, especially as it relates to respecting the school environment and parental

¹⁹ Refreshments Canada. Canadian Beverage Industry Expands Guidelines to Support Healthy Schools. Website: http://www.refreshments.ca/en/behealthy/template_5_show.asp?id=126§ion=choices

²⁰ Coca-Cola Canada. *Responsible Marketing Practices*. Website: http://www.cocacola.ca/corporate_responsibility_responsiblemarketing.htm

²¹ Canadian Children's Food and Beverage Advertising Initiative: The Coca-Cola Company's Commitment. Available at: http://www.adstandards.com/en/childrensinitiative/Coke_E.pdf

²² Canadian Children's Food and Beverage Advertising Initiative. Commitment of PepsiCo Canada ULC. Available at: http://www.adstandards.com/en/childrensinitiative/PepsiCo_E.pdf

guidance to children.” The commitments, which were made to the EU Platform on Diet, Physical Activity and Health in January 2006 pledge signatory companies to:

- Not engage in any direct commercial activity in primary schools, unless otherwise requested by school authorities.
- Ensure that in secondary schools, with the agreement and active participation of educators and parents, a full range of beverages (including water, juices and other beverages in both regular and low-calorie/calorie-free versions), is made available in appropriate container sizes that allow for portion control.
- Respect the commercial-free character of schools by providing, where directly responsible for final distribution of products, unbranded vending machines, preferably including educational images and messages promoting balanced diets and healthy active lifestyles.
- Make third-party distributors aware of these commitments in such cases where we are not directly responsible for the final distribution of their products to schools.

The commitment covers all sales channels in schools. There are over 100 signatories to the commitments including the founding companies, C&C Ireland, Coca-Cola Company, Coca-Cola Enterprises, Coca-Cola Hellenic, Gerber Foods, GlaxoSmithKline, Orangina Group, Pepsi Beverages Europe and Unilever. The pledge applies to the member companies of The Union of European Beverages Associations (UNESDA), which comprise the national non-alcoholic beverages associations of the European Union and company members of the Non-Alcoholic Beverages Companies of Europe (NABCO) who conduct business in at least five EU Member States.

UNESDA also developed an “Implementation Manual” to guide implementation of the commitment. According to UNESDA: “All companies, from corporate to operation and salesforce levels, have been mobilised to fulfil these commitments, which go to the core of their business model and route to market.” These activities include salesforce training and communication and training of external marketing agencies, development of internal compliance routines, engagement with relevant third parties (agencies, schools, distributors), development and production of new vending panels, mobilisation of salesforce to change operations in schools, etc. According to UNESDA, “Commitments related to schools have involved high engagement of customer departments (typically visits and/or telephone calls with all schools to explain new policy and to organize change of operations), as well as operational costs related to removal of coolers, change in product mix, etc. Some elements of the school commitments also implied investment costs, e.g. the need to replace the vending panels in secondary schools (which involves creative artwork development, production of new panels, substitution of panels in the marketplace, etc.)”²³

As a commitment made to the EU Platform on Diet, Physical Activity and Health, UNESDA are obliged to present regular updates on the implementation of their commitments. In April

²³ *EU Platform Commitments Database*. Available at: http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/platform_en.htm

2007, UNESDA published its first monitoring report.²⁴ The compliance in schools was monitored by PriceWaterhouseCoopers in four European countries: Belgium, the Czech Republic, Germany and Spain. According to UNESDA, it involved multiple choice questionnaires mailed to school heads using a weighted average of the number of schools per country in order to deliver a statistically valid sample. It found that:

- 93.9% of primary schools in compliance with the commitment of “no vending in primary schools”
- 66.9% of secondary schools in compliance with the commitment to offer a full range of drinks
- 69% compliance of secondary schools in compliance with the commitment that vending machines are neutral or display health messages rather than product advertising
- 53.5% of secondary schools in compliance with the commitment that “parents and educators are involved in the selection of drinks offered” (the highest being in Spain, at 60%, and lowest in Belgium, at 20%). UNESDA now state that: “We recognise now that this [commitment] is beyond the remit of influence that commercial companies can exert. Nevertheless, we would urge that on the Platform other stakeholders could take this commitment on board and encourage involvement and dialogue between school and parents as to the choice to be made available to children.”²⁵

In addition to the European-wide commitments, some companies have made statements or developed codes at a national level that reflect, or that are in addition to, their UNESDA commitment. For example:

- In **Ireland**, Coca-Cola Bottlers Ireland has stated that it “does not sell products directly to or display vending machines in ANY primary school in Ireland”²⁶
- In **Finland**, the Federation of the Brewing and Soft Drinks Industry adopted the UNESDA guidelines as the basis of their “shared concern about the rising levels of obesity and chronic diseases related to it.”²⁷ They made the commitment to increase the range of soft drinks more specific by pledging to, by the end of 2007, offering a selection consisting of at least 50% sugar-free drinks in secondary schools. According to the Federation, in April 2007, over 60% of school vending machines were already unbranded, no soft drinks were available in primary schools, and drinks machines were only being supplied to secondary schools on the school’s request, which must always be approved by the principal. The placement and opening hours of vending

²⁴ UNESDA. *Responsibility and Choice in Action: First monitoring results of UNESDA commitments to the European Platform for Action on Diet, Physical Activity and Health, April 2007*. Available at: http://www.unesda.org/linkdocs/monitoring_results.pdf

²⁵ *EU Platform Commitments Database*. Available at:

http://ec.europa.eu/health/ph_determinants/life_style/nutrition/platform/platform_en.htm

²⁶ Coca-Cola Bottlers Ireland. *Information Pack*. Available at:

http://www.ccbi.ie/rep_ireland/corporate_info/info_pack/coca_colo_info_pack.pdf

²⁷ Federation of the Brewing and Soft Drinks Industry. Soft drinks industry agrees on common practices: Guidelines for the responsible marketing and selling of soft drinks adopted *Press release* 29.12.2005

machines are negotiated with schools.²⁸ For example, most schools permit vending machines to be open during the afternoons and during evening sports activities, but prefer to close them on lunch times to encourage pupils to eat proper lunch.

- In **Belgium**, Coca-Cola has developed a specific “Code of Conduct for Primary and Secondary Schools” which in large part reflects the UNESDA commitment but contains more detail.²⁹ It states that Coca-Cola will sell only milk, water or juices in primary schools, and always put the “light” option beside the full calorie version in high schools, and offer a full range of drinks (sparkling water and juices). According to a key informant, Coca-Cola says that in 2007, all the primary schools apply the code, as do 96% of high schools
- In **Denmark**, the Danish Brewers Association has developed a code of practice for the marketing of soft drinks.³⁰ The Code states that:

Soft drinks must not be actively marketed at primary and lower secondary schools, continuation schools and private independent schools or at after-school care schemes (SFOs), and soft drinks vending machines must not be installed on the given premises. (Note: “Active marketing” means that traders must not themselves approach schools, SFOs, etc., with a view to marketing their products). In addition, when supplying soft drinks for events held by schools or institutions, the marketing should be limited to what is practically necessary

- In **Italy**, the vending machine association, CONFIDA, made a declaration in 2005 that they would not place vending machines in primary and junior high school “in rooms without adult control”. They are also involved in some initiatives to use vending machines for health promotion by increasing the availability of nutritious foods through vending channels.^{31,32}
- In **Spain**, as part of the governments NAOS Strategy on nutrition, physical activity and prevention of obesity, the government signed an agreement with the Spanish National Association of Vending Machines Distributors (ANEDA), in which they pledged to undertake the following actions in schools:³³
 - Vending machines will not be located in those areas easily accessible to pupils from Infant and Primary Education.

²⁸ Federation of the Brewing and Soft Drinks Industry. Shared guidelines: Drinks industry restricts marketing of soft drinks to children PRESS RELEASE 04.01.2007

²⁹ Coca-Cola Enterprises Belgium. Code de conduite de Coca-Cola Belgique auprès de écoles primaire et secondaires. Available at: http://www.cocacolabelgium.be/doc/UPL_2007062010565317339.pdf

³⁰ Danish Brewers Association. *Code of Practice for Marketing of Soft Drinks in Denmark*. Available at: <http://www.laeskedrikreklamaevn.dk/uk/default.asp?pid=33>

³¹ Giuseppe Fattori e Carlo Cannella. Distribuzione automatica di alimenti e promozione

³² *Distribuzione automatica di alimenti: nuove opportunità per promuovere la salute*. Forum PA -Roma, 15 maggio 2008, Ore 11.00-13.30 Stand delle Aziende Sanitarie modenesi Padiglione8, stand 18C –NuovaFieradi Roma. Available at: <http://www.ppsmodena.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/204>

³³ Estrageia Naos. Spanish strategy for nutrition, physical activity and prevention of obesity., 2005.

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- Advertising will be removed from the machines in order to avoid encouraging the consumption of certain products. This will be replaced by stickers containing messages promoting a healthy diet.
 - Products which encourage a balanced diet should be included (mineral water, drinks with a low sugar content, fruit, biscuits, etc.), in favour of those with a high content in salt, sugar or fats.
 - A guide to good practices will be published, aimed at professionals in the automatic distribution industry, defining products which should not be included in school machines together with those products which should replace them.
 - A “Guide to correct nutrition in centres of education, using vending machines” will be drawn up and distributed in schools and colleges through the parents’ associations.

According to a key informant in the Spanish government, ANEDA have not reported any followed up on this pledge. As a result, they have set up a working group with the Regional Public Health Authorities to discuss if a regulation is needed.

9.4 Australasia and Pacific

9.4.1 Australia

The leading soft drinks trade association, the Australian Beverage Council Ltd (ABCL), has made a series commitments concerning soft drinks in schools as part of its: “Commitment Addressing Obesity and Other Health & Wellness Issues.”³⁴ The objective of the commitment is to assist in the management of obesity in Australia. Where directly responsible, ABCL members commit to:

- Voluntarily not engage in any direct commercial activity in primary schools, unless otherwise requested by school authorities or where the product meets the relevant government criteria for sale in school canteens.
- Voluntarily respect the commercial-free character of primary schools by providing, where directly responsible for final distribution of products, unbranded vending machines preferably including educational images and messages promoting balanced diets and healthy and active lifestyles.
- Ensure that in secondary schools, with the agreement of educators and parents, a full range of beverages (including water, juices, sports drinks, iced teas and other beverages in both regular and low-calorie/calorie-free versions), is made available in appropriate container sizes that allow for portion control.
- Where government and other school authorities parents and students have requested, efficiently withdraw sugar sweetened carbonated soft drinks from secondary schools.

³⁴ Australian Beverage Council Ltd (ABCL). Commitment Addressing Obesity and Other Health & Wellness Issues. Available at: http://www.australianbeverages.org/lib/pdf/Commitment_Addresssing_Obesity_Doc1.pdf

- Make third-party distributors aware of these commitments in such cases where members are not directly responsible for the final distribution of their products to schools.

The commitment appears to cover all sales channels in schools. With regard to implementation, ABCL “appointed Food & Nutrition Australia as an independent third party auditor to define and then collect Key Performance Indicators (“KPIs”) against the following commitments so as to verify and document progress in the achievement of our goals. ABCL will share these findings of such monitoring activities with national health & food authorities.”

The first monitoring report was produced in November 2007, and found that:³⁵

- Since August 2006, 4 out of 10 ABCL member companies (40%) engaged in direct commercial activity (such as product sales, sponsorship of events or teams, school promotions involving purchasing products for prizes etc), in primary schools. One company reported selling products to 10 primary schools at the request of the school, reporting however they have not actively sought to supply primary schools.
- Both prior to and after August 2006, none of the 10 companies reported providing vending machines to primary schools.
- After August 2006, 5 out of 10 companies (50%) provided drinks to secondary schools. Of these, 2 had permission from educators and parents, while 2 did not and one company was unsure. Drinks were distributed to 2788 schools in total, a decrease of 8% from the previous year.
- Of these 5 companies, 4 reported changing the product ranges and/or pack sizes offered to secondary schools compared to those that were offered prior to August 2006. These changes included introducing a 200mL and 250mL serve size of products, removing 600mL serve sizes of soft drink, introducing juice-based carbonated products, and making the necessary changes from relevant State canteen guidelines or requests by schools.
- Prior to August 2006, 3 out of 10 companies (30%) provided sugar sweetened carbonated soft drinks to secondary schools. Of these, 2 had permission from educators and parents, while 1 did not. Drinks were distributed to 2865 schools in total. Portion sizes of these beverages sold to schools included 375mL, 390mL, 600mL and 1.5L packs. After August 2006, upon request of government or other school authorities, all 3 of these companies took steps to withdraw sugar sweetened carbonated soft drinks from secondary schools or ceased distributing these beverages to secondary schools. These drinks were withdrawn from 1341 schools.
- Since August 2006, none of the companies have reported providing details / letters to third party distributors about the commitments made by ABCL regarding distribution of products to schools

³⁵ Food and Nutrition Australia. Progress Report. *ABCL’s ‘Commitment Addressing Obesity and Other Health and Wellness Issues’ – Audit Against Key Performance Indicators*. Prepared for: Tony Gentile, Chief Executive Australian Beverages Council Ltd, November 2007. Copy obtained direct from Mr Gentile.

In an assessment, the author of the report stated that “Although products are sold to secondary schools by ABCL member companies, some of which report not having permission from educators and parents to do so, the measures to improve the range and sizes of products sold is a positive move towards improving the healthfulness and choices for secondary students. However, further work is required to fully comply with this commitment. The removal of products from schools when requested appears satisfactory. Further work is required by ABCL members to meet the commitment regarding third-party distributors being contacted by ABCL member companies to advise them on their responsibilities. This area requires addressing by the ABCL and members in the coming year.”

The second and final audit of the commitment is due in the next few weeks.

Coca-Cola Amatil also have their own voluntary initiative. In 2004, the company voluntarily withdrew all soft drinks with added sugar from primary schools in Australia (and New Zealand).³⁶ They have no stated policy on high schools, but are affected by government legislation (see below).

9.4.2 *New Zealand*

In 2004, Coca-Cola Amatil and Coca-Cola Oceania voluntarily withdrew all sugar soft drinks from primary schools in New Zealand (and Australia). This commitment was made in the form of the development “School Guidelines”, which state that:³⁷

- It is the role of school communities to choose which beverages will be made available to the children and young people at their schools. The Coca-Cola system respects that choice and will supply the chosen products from our range of brands. We recognise that we have an increased responsibility when consumers are younger. Accordingly, we take a different approach when dealing with primary schools than with secondary schools
- From the commencement of the 2004 school year, the System will not sell carbonated soft drinks containing sugar to primary schools for consumption by students. Water, juices, juice drinks, other non-carbonated beverages and diet soft drinks will be offered. In line with our guiding principle, the beverages supplied will be those chosen by the relevant school community.
- In secondary and intermediate schools, the beverages made available to students will be those chosen by the school communities. With the consent of the school, we will display relevant brand names on vending machines, but will not be involved in intrusive trademark presence that offers no benefit to students, teachers or school communities. Promotional activity and promotional materials within the school environment will include either products from only the non-carbonated portfolio or products from both the carbonated and non-carbonated portfolios.

³⁶ Coca-Cola Amatil. *Sustainability@CCA. Corporate responsibility report 2008*. Available at: http://citizenship.ccamatil.com.au/pdfs/CCA_CSR_complete.pdf.

³⁷ Coca-Cola Oceania and Coca Cola Amatil New Zealand. *School Guidelines*. Available at: <http://www.makeeverydropmatter.co.nz/pdf/Schools%20Guidelines.pdf>

In December 2006, Coca-Cola Amatil NZ and Frucor Beverages Ltd launched a voluntary agreement going beyond this. It is unique in that it was negotiated directly with the government. In the agreement, the soft drinks companies pledged to withdraw all full sugar carbonated drinks and energy drinks from all channels secondary schools. The agreement was described in a government news release as “a world-leading agreement” that was the “first to be negotiated directly between government and industry leaders.”³⁸ There is no explicit objective, but it is implied that it was a step in the general goal of “reducing the amount of high sugar foods that are consumed.”³⁹ It was estimated that the agreement would see the removal of 1.1 million litres of full sugar beverages from schools over between 2006 and 2009, the year of full implementation. The agreement came at a time when the government had begun to develop their Food and Beverage Classification System (FBCS) for school foods (described below), which restrict soft drink availability in schools. The Waitemata District Health Board (Auckland) had already introduced regulations to restrict soft drinks in schools. Neither Coca-Cola nor Frucor produced any monitoring report concerning implementation of the agreement.

9.4.3 Pacific Islands

No voluntary agreements were identified for the Pacific Islands, including those served by the bottlers active in Australia and New Zealand.

9.5 Latin America

A review of the corporate responsibility and sustainability reports of all the major bottlers in Latin America, coupled with e-mail requests for information from the companies (where available), did not identify any voluntary agreements in Latin America, although the companies are involved with nutrition and physical activity programs in the region.

9.6 Asia

Only one voluntary commitment by soft drinks companies was identified in Asia, but it does not appear to include a pledge concerning the sale of soft drinks in schools. In Thailand, seven major food and beverage companies announced in May 2008 a common commitment to responsible advertising. Under the Thai Pledge programme, the participating companies all commit to implement, no later than 31 December 2008, not to engage in any product-related communications in primary schools, except where specifically requested by or agreed with the school administration for educational or informational purposes. Signatories to the Pledge,

³⁸ Pete Hodgson. Full sugar fizzy drinks out of schools by 2009. News Release 11 December, 2006. Available at: <http://www.beehive.govt.nz/release/full+sugar+fizzy+drinks+out+schools+2009>

³⁹ Pete Hodgson. Full sugar fizzy drinks out of schools by 2009. News Release 11 December, 2006. Available at: <http://www.beehive.govt.nz/release/full+sugar+fizzy+drinks+out+schools+2009>

which is a voluntary commitment, include Coca-Cola and PepsiCo. Thailand is reportedly the first country in Asia-Pacific where this form of self-regulation has been launched. It follows from new government regulations on food advertising in Thailand issued in February 2008.

10 Appendix 2: Government regulations and guidelines

10.1 North America

10.1.1 United States

In the United States, schools provide a federally subsidised meal program. The federal government sets nutritional standards for the food provided in this program, which effectively prohibit soft drinks being sold as part of school meals. Federal law also prohibit the sale of “Foods of Minimal Nutritional Value” (FMNV) in the food service areas during the school meal periods, but allow them to be sold anywhere else in a school at any time.⁴⁰ FMNV includes all carbonated drinks (including diet drinks), but not sports drinks. Because these foods sold outside of school meals programs “compete” with the foods sold in meals programs, they have been are termed “competitive foods”. State and local authorities are permitted, however, to impose stricter requirements on these “competitive foods”.

Since 2004, state governments have been very active in implementing state level legislation to impose further restrictions on competitive foods, including soft drinks. As shown in the Table, 31 states plus DC now have restrictions on the sale of soft drinks foods, an increase from 18 in 2004 and 26 in 2006. The detail of these laws vary considerably, according to (as analysed by Mello et al⁴¹):

- Content restrictions, such as limits on certain types of beverages or beverage ingredients
- Portion restrictions, such as limits on size of beverage containers or calories per serving
- Ratio rules providing that either all or a percentage of beverages sold in schools must meet the content and portion standards
- Time and event requirements specifying the times of day or the school events during which beverages may be sold or otherwise distributed
- Age or grade requirements providing either uniform K–12 rules or varied requirements for different grade levels
- Marketing provisions, including rules for beverage contracts and advertising
- Access to water provisions

⁴⁰ FMNV are defined in federal regulations as having less than 5%of the Recommended Daily Allowance per serving for eight key nutrients and include soft drinks, water ices, chewing gum and certain candies.

⁴¹ Mello MM, Pomeranz J, Moran P. The Interplay of Public Health Law and Industry Self-Regulation: The Case of Sugar-Sweetened Beverage Sales in Schools. *AJPH* 2008; 98, 4: 595-604.

In general, the laws restrict the availability of sweetened soft drinks in elementary schools, but there is wide variation in the availability of the type, timing and ratio of soft drinks available in high schools. Some schools do not impose any further restrictions on high schools, while others, restrict the sale of any soft drinks during the lunch period, restrict the sale of sweetened soft drinks during the extended school day (with the exception of sports drinks), only permit sweetened soft drinks to be sold if lower calorie drinks and fruit juices are also on sale, or limit the percentage of sweetened drinks available. The most recent review of these policies show that six states have banned all soft drinks that contain caloric sweeteners, 25 states prohibit sales of sugar-sweetened beverages throughout the entire school day, while other states have ratio rules that require that a portion of the beverages sold must meet certain portion and content requirements.⁴²

States that restrict the sale of sweetened soft drinks during the extended school day in secondary schools (with the exception of sports drinks) are similar to the ABA/AHG guidelines. Other regulations are less stringent. Only in rare cases are state regulations more stringent than the ABA/AHG guidelines: Connecticut, the District of Columbia and it appears, for junior high schools only, Arizona and Colorado.⁴³ These guidelines are more stringent in that they do not allow sports drinks to be sold, or any drink other than water, low-fat milk or 100% fruit juice. Maine prevents the sale of all FMNV during the school day, which means that diet-carbonated soft drinks cannot be sold, but sports drinks can. New Jersey restricts drinks that have sugar as the number one ingredient.

Table: State Laws and Regulations Limiting the Sale of Soft Drinks outside of school meals programs in the United States, as of 2007

State	Law / Regulation*
Alabama	Regulation approved by Board of Education prohibits sale of sweetened soft drinks in elementary schools, and limits sale of sweetened soft drinks to 30% and 50% of all drinks in middle- and high-schools respectively; other drinks must be water or no/low calorie drinks
Arizona	Sale of sweetened soft drinks and caffeine/energy drinks prohibited in elementary, middle schools and junior high schools; sales of sports drinks prohibited in elementary schools and limited to portion sizes less than 12oz in middle schools
Arkansas	Sales of any “competitive foods”, including soft drinks, prohibited in elementary schools; in middle and high schools, access to “competitive foods, including soft drinks prohibited until 30 minutes after the last lunch period. 50% of all drinks on sale must be 100% juices, low-fat milk or water; 100% fruit juices must also be available
California	Sales of sweetened soft drinks prohibited at all times in elementary schools; the only drinks that can be sold is water, low-fat milk and fruit drinks with no less than 50% juice, and no added sweeteners; and in middle, junior high schools and high schools, the same drinks and prohibited/permitted from 30 minutes before to 30

⁴² Mello MM, Pomeranz J, Moran P. The Interplay of Public Health Law and Industry Self-Regulation: The Case of Sugar-Sweetened Beverage Sales in Schools. *AJPH* 2008; 98, 4: 595-604.

⁴³ It is not certain if this constitutes a regulation more stringent than the ABA/AHG guidelines

	minutes after the school day, and electrolyte replacement beverages with no more than 42 g of added sweetener/20-ounce serving are also permitted
Colorado	Sales of “competitive foods”, including soft drinks prohibited from 30 minutes before to 30 minutes after the school day, except for drinks from vending machines in senior high schools (in accordance with USDA regulations, outside the cafeteria and meal times)
Connecticut	Only a list of permitted drinks can be sold in all schools at all times; this list excludes all drinks that contain sugar or artificial sweeteners. It comprises: 1) Milk that may be flavored but contain no artificial sweeteners and no more than four grams of sugar per ounce, (2) nondairy milks such as soy or rice milk, which may be flavored but contain no artificial sweeteners, no more than four grams of sugar per ounce, no more than thirty-five per cent of calories from fat per portion and no more than ten per cent of calories from saturated fat per portion, (3) one hundred per cent fruit juice, vegetable juice or combination of such juices, containing no added sugars, sweeteners or artificial sweeteners, (4) beverages that contain only water and fruit or vegetable juice and have no added sugars, sweeteners or artificial sweeteners, and (5) water, which may be flavored but contain no added sugars, sweeteners, artificial sweeteners or caffeine.
District of Columbia	Vending machines, a la carte, fundraisers, and school stores shall only offer approved items, which are fruit-based drinks that contain 100 percent fruit juice and that do not contain additional caloric sweeteners; Water or seltzer water; and Low-fat or fat-free milk, including, but not limited to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy calcium-fortified milks. Soft drinks, sports drinks, punches and iced teas; fruit-based drinks that contain less than 100 percent real fruit juice or that contain additional caloric sweeteners; and drinks containing caffeine, excluding low-fat or fat-free chocolate milk, must not be sold.
Florida	Sales of “competitive foods” are prohibited in elementary schools, and in secondary schools until one hour after the last lunch period; sweetened soft drinks can be sold as long as 100% juices are also on sale
Georgia	Sales of soft drinks are prohibited in elementary schools, until the end of the last lunch period
Hawaii	Two separate policies are in place and are currently being developed into one.
Illinois	Before and during the school day, sweetened soft drinks must not be sold to all grades less than 8; the only drinks that can be sold are low fat milk, fruit drinks containing more than 50% juice,
Indiana	In elementary schools, food and beverage vending machines may not be accessible to students. 50% of all food and beverages sold outside of the meal programs to students K-12 during the school day must be either fruit- or vegetable-based drinks with no less than 50% fruit or vegetable juice with no added caloric sweeteners, water and seltzer water with no added caloric sweeteners, low fat and fat free milk, including chocolate milk, soy, rice and other similar nondairy beverages or isotonic beverages.
Kentucky	Sales of all “competitive foods”, including soft drinks prohibited in secondary schools until 30 minutes after the end of the last lunch period; when soft drinks

	sold, sweetened soft drinks are not permitted unless they have less than 10g of sugars per serving; drinks that can be sold are low-fat milk, water or 100% fruit or vegetable juice, and portion size must be limited to 17oz for elementary school beverages and 20oz for middle and high school beverages (not including water); standards also cover a la carte foods sold in the school lunch period
Louisiana	Sales of sweetened soft drinks is prohibited for in all elementary and middle schools; for all grades a la carte meal service is prohibited; in elementary and secondary schools, only water, low fat milk and 100% fruit/veg juice must be available; for high schools all drinks can be sold beginning 10 minutes before the end of the last lunch period, but only 50% offered can be sweetened soft drinks
Maine	Sales of FMNV prohibited in all schools at all times
Maryland	Sales of FMNV prohibited until the end of the last lunch period; all vending machines must have a mechanical timer device
Mississippi	Sales of “competitive foods”, including soft drinks prohibited for one hour before breakfast or lunch until the end of the serving period; when drinks can be sold, no sweetened drinks in elementary and middle schools; in high schools, diet drinks and sports drinks with no more than 66 calories per 8 oz may be sold, but only within set portion sizes, and 50% of all offerings must be water or no/low calorie drinks
Nebraska	Sales of “competitive foods” prohibited anywhere on the school grounds from 30 minutes before to 30 minutes after the breakfast/lunch periods
Nevada	No sweetened soft drinks to be sold in any schools at any time; electrolyte replacement beverages are not allowed in elementary schools, but maybe sold in middle/junior and high schools in portions not exceeding 12 ounces
New Jersey	Beverages may not exceed 12 ounces (not including water or milk containing 2% or less fat); the only beverages that may be sold in elementary schools are milk, water and 100% fruit or vegetable juices: in middle and high schools, no drinks listing sugar, in any form, as the first ingredient can be sold, and at least 60% of all beverages offered (other than milk and water) must be 100% fruit or vegetable juice
New Mexico	In elementary schools, no sweetened or carbonated drinks permitted; in middle schools, no carbonated beverages and other drinks limited to water, low fat milk, 100% fruit juice; high schools may also sell 50% fruit juice drinks (with no added sweeteners), sugar-free/caffeine-free soft drinks, non-carbonated flavoured water with no added sweeteners, and sports drinks in vending machines only after the last lunch period is completed.
New York	Sales of sweetened soft drinks and confectionary prohibited from the beginning of the school day until the end of the last schedule meal period
North Carolina	Sales of sweetened soft drinks prohibited in elementary schools; of regular sugared sweetened soft drinks in middle schools; in high schools, sweetened soft drinks limited to 50% of all offerings
Oklahoma	Sales of sweetened soft drinks prohibited in elementary schools at all times, and of regular sugared sweetened soft drinks in middle and junior high schools (diet soda is permitted)
Oregon	In elementary and middle schools, at all times, no sweetened soft drinks; secondary schools, diet soda is permitted as are drinks that contain no more than 66 calories

	schools, diet soda is permitted as are drinks that contain no more than 66 calories per 8 oz, in packages no larger than 12 oz
Rhode Island	In all schools, vending machines are not permitted to sell sweetened soft drinks; the standards do not cover a la carte items
South Carolina	Sales of sweetened soft drinks prohibited from elementary schools
Tennessee	Sales of sweetened soft drinks prohibited in pre-K through grade 8, but diet drinks permitted
Texas	Sales of FMNV prohibited in elementary schools during the school day and in middle school until after the end of the last lunch period, and in high schools during meal times in areas where food is consumed, and sugared, carbonated beverages cannot be sold in containers larger than 12 oz
Virginia	All foods and beverages sold in all Virginia schools during meal periods, on the whole campus, must either be a recognized component of the food-based meal pattern or must not be a FMNV. Iced/hot coffee or tea may not be sold to students. Non-carbonated water may be sold.
Washington	FMNV shall not be sold or served on school premises until 30 minutes after the end of the last lunch period. Vending machines shall be limited to only those that dispense items which are nutritionally healthful. No food or drink items shall be offered in vending machines unless they have been approved by the principal.
West Virginia	Sales of sweetened soft drinks prohibited in elementary, middle and junior high schools; in high schools, sweetened soft drinks limited to 50% of all offerings

* all state laws and regulations are in addition to federal laws. States not included on the table follow only federal laws

FMNV = Foods of Minimum Nutritional Value

Source: ⁴⁴

Notes: Changes since 2006 in Connecticut, District of Columbia, Hawaii, Indiana, Nevada, Oregon, Rhode Island, Washington

10.1.2 Canada

A federally-subsidised school meals program exists in Canada. Foods are also sold at market value in shops and vending machines, and through fundraisers. In Canada, education, and therefore school food provision, is the responsibility of the provincial governments, though the federal government exercises broad authority to regulate the safety and composition of foods throughout the food supply and protect public health. In 2005, under the Integrated Pan-Canadian Healthy Living Strategy, the federal minister of health, along with health ministers of the ten provinces and three territories committed to develop school nutrition standards and healthy eating programs. As of 2008, the ten Canadian provinces (but not the three Territories) had developed standards, which are all voluntary in nature. In April 2008, the Ontario legislature passed the *Healthy Foods for Healthy Schools Act*, which is mandatory.

⁴⁴*State Laws and Regulations Governing Beverage Sales in Schools*. Washington DC, American Beverage Association, February 2006. <http://www.ameribev.org/schools/State%20Regulations.pdf>; accessed March 3 2006).

The criteria are partly food-based, based on the 1992 version of *Canada's Food Guide* (updated in 2007) and many include specific limits on sodium, fats, and sugars. They usually divide foods into several categories according to whether they should be “chosen/served” “most/moderately/least/never”. These criteria differ among the provinces, but most recommend that most forms of soft drinks, including sports drink, diet drinks, sweetened fruit drinks and iced teas are not to be sold through any channel in any public school (see Table). It is not quite clear how soft drinks are classified and dealt with in the Manitoba and Nova Scotia guidelines. In Ontario, there is a loophole for soft drinks sold through vending machines, but this is expected to be closed when the Minister of Education publishes new regulations, due within the next few weeks/months. Compliance with the voluntary policies has not been publicly reported; some anecdotal evidence suggests they have not been fully implemented.

Table: Guidelines on soft drinks in schools in Canada

Province (date of guidelines)	Guidelines on soft drinks	Coverage
Alberta (2008) ⁴⁵	Soft drinks, sports and energy drinks, and sweetened hot or cold drinks are not recommended to be available in any schools	Covers all food in all schools
British Columbia (2007) ⁴⁶	No drinks with sugar as the first or second ingredient (e.g., sodas, iced teas, fruit drinks), most sport drinks, coffee/tea drinks, hot chocolate	Covers all food in all schools
Manitoba (2006) ⁴⁷	Fruit favoured drink crystals, fruit beverages, cocktails, nectars, drinks, punches, blends, slushies should only be served rarely; energy drinks are not recommended	Covers all foods in all schools
New Brunswick (2008) ⁴⁸	No soft drinks (carbonated soda), sweetened beverages (commercially prepared iced teas, lemonades, sports drinks, artificially sweetened waters, etc. ⁴⁹	Covers all food (meals, vending etc) in all schools in the public school system

⁴⁵ ALBERTA NUTRITION GUIDELINES FOR CHILDREN AND YOUTH. Available at: <http://www.health.alberta.ca/public/Nutrition-Guidelines-2008.pdf>

⁴⁶ Guidelines for Food and Beverage Sales in BC Schools Ministry of Education & Ministry of Health Revised September 2007. Available at: http://www.bced.gov.bc.ca/health/guidelines_sales07.pdf

⁴⁷ SCHOOL NUTRITION MANITOBA HANDBOOK. Available at: <http://www.gov.mb.ca/healthyschools/foodinschools/documents/handbook.pdf>

⁴⁸ New Brunswick. POLICY 711 DEPARTMENT OF EDUCATION Subject: Healthier Foods and Nutrition in Public Schools; Effective: October 11, 2005; Revised: March 17, 2008. Available at: <http://www.gnb.ca/0000/pol/e/711A.pdf>

⁴⁹ Appendix A Healthier Eating and Nutrition in School Food Categories. Online at: <http://www.gnb.ca/0000/pol/e/711AA.pdf>

Newfoundland and Labrador (2006) ⁵⁰	Soft drinks, diet soft drinks, sports drinks, energy drinks, “fruit” drinks with sugar are not recommended to be served in schools	Covers all food in all schools
Nova Scotia (2006) ⁵¹	Vegetable and fruit juices that are less than 100% juice, milk-based beverages that contain more than 28 g of total sugar, and any drink that contains artificial sweetener, along with other “Minimum Nutrition” foods, can be served or sold only once or twice a month as part of Special Functions	Covers all food sold in all schools
Ontario (2005) ⁵² (vending guidelines, 2004)	Soft drinks, sports drinks, coffee and tea, and fruit-flavoured beverages that are not 100% fruit juice are not recommended for student nutrition programs	Covers foods sold at part of school meals in all schools Separate vending guidelines for <i>elementary</i> schools (2004) also recommend that soft drinks, fruit drinks, and sport drinks are not sold through vending machines ⁵³ Both policies are expected to be supplanted by regulations promulgated pursuant to the <i>Healthy Foods for Healthy Schools Act</i> (2008)
Quebec (2007) ⁵⁴	Sweetened soft drinks, those with artificial sweetener and all drinks with added sugar	Covers all foods in all schools
Prince Edward Island (2005). ⁵⁵	Vending machines will not be used to sell carbonated soft drinks, fruit drinks, fruit juices with less than 100% juice, or sports drinks. In canteens, “pop” (sweetened and diet carbonated soft drinks), iced tea, sweetened fruit drinks and sports drinks should only be served 1_2 per month or less	Covers all foods in all schools
Saskatchewan (2005) ⁵⁶	Soft drinks (regular and diet), slushies, fruit flavoured crystal drinks, fruit beverages, cocktails nectars, drinks, punches, blends, “ades”, sports drinks, coffee, tea, iced tea, hot	All community schools, but only covers snacks and meals. For vending and other outlets, it is recommended that schools are

⁵⁰ Newfoundland and Labrador. School Food Guidelines. Available at: http://www.ed.gov.nl.ca/edu/k12/pdf/school_food_guide_.pdf

⁵¹ Nova Scotia Education. Food and Beverage Standards for Nova Scotia Public Schools (2006). Available at: http://www.ednet.ns.ca/healthy_eating/pdf/22454_ver2_lo_res.pdf

⁵² Student Nutrition Programs: Nutrition Guidelines. Available at: <http://www.gov.on.ca/children/english/programs/beststart/nutrition/index.html>

⁵³ Ontario Ministry of Education. HEALTHY FOODS AND BEVERAGES IN ELEMENTARY SCHOOL VENDING MACHINES (2004). Available at: <http://www.edu.gov.on.ca/extra/eng/ppm/135.html>

⁵⁴ Ministère de l'Éducation, Loisir et Sport. Pour un virage santé à l'école. Available at: <http://www.mels.gouv.qc.ca/sections/virageSante/pdf/virageSante.pdf>

⁵⁵ WESTERN SCHOOL BOARD OF P.E.I. BOARD POLICY MANUAL School Nutrition. Available at: http://www.gov.pe.ca/photos/original/western_policy.pdf

	chocolate made with water are not appropriate for school nutrition meal/snack programs. If the school opts to serve them, they should be only be made available occasionally	recommended that schools are guided by a report from the Ontario Society of Nutrition Professionals in Public Health, ⁵⁷ which recommends that the sale of foods with Minimum Nutritional Value, including soft drinks, should be eliminated from schools
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10.2 Europe

10.2.1 Belgium

Soft drinks are widely available in schools in Belgium. There are reportedly over 10,000 vending machines in schools. In 2006, the Minister of Education in French Belgium started to develop a policy to ban vending machines in schools, but, following much debate and controversy, the process was halted. However, some municipalities do forbid the sale of soft drinks in cafeterias or vending machines in schools. Notably, the Brussels municipality prohibits primary schools from installing vending machines that sell soft drinks.

10.2.2 Cyprus

School meals are not provided in schools in Cyprus (or at least, in very few, and only in some elementary schools). Food is, however, available in school “canteens” i.e., shops which provide snacks, such as sandwiches and milk, in school breaks. The operators of these shops are private and selected through a competitive contracting arrangement. In 2003, legislation on school canteens in Cyprus was modified to include a provision that that the foods sold in these shops must be decided by a committee (Central Committee on School Canteens), guided by the principles set out in the law. This process effectively restricted the sale of all soft drinks except for water, milk and 100% fruit juice. The law is enforced through checks by the local parents committee, the school directors and the regional school committees. It has been reported that enforcement is not consistent because of differing levels of awareness regarding energy dense items and nutrient-poor foods and the willingness of the committees to undertake enforcement. But violations have been identified, and in these cases, a fine has been imposed and the contract with the shop operator suspended.

⁵⁶ Saskatchewan School Boards Association. Nutrition Guidelines for Schools. Available at: <http://www.saskschoolboards.ca/>

⁵⁷ Ontario Society of Nutrition Professionals in Public Health School Nutrition Workgroup Steering Committee. *Call to Action: Creating a Healthy School Nutrition Environment* (March 2004). Available at: http://www.osnpph.on.ca/pdfs/call_to_action.pdf

10.2.3 Denmark

Food in Danish schools is available as meals, or through shops and vending machines. Denmark has a set of nutritional standards for the foods and drinks sold in schools which are voluntary for schools to adopt. The guidelines recommend that soft drinks are not served with school meals. But there are no further regulations or guidelines that prohibit the sale of soft drinks in schools. Soft drinks are currently sold in secondary schools in Denmark through cafeterias and vending machines. But practically no vending machines are present in primary schools, and according to a key informant in the Danish Veterinary and Food Administration, soft drinks (and candy) are available in only around 3% of cafeterias and shops in primary schools.

10.2.4 England

In England, food is provided in schools through three channels: school meals, school shops and vending machines. The availability of soft drinks in schools through all these channels is governed by the School Food Regulations (2007).⁵⁸ These regulations apply to all food and drink provided by local authorities or school governing bodies to pupils on and off school premises, during an extended school day (up to 6pm). Therefore, all drinks provided at lunchtime, and throughout the rest of the school day (e.g. at breakfast clubs, mid-morning break and in tuckshops and vending machines) are covered by these regulations. The only drinks that are permitted in schools are plain water (still or sparkling); low fat milk, or lactose-reduced milk; fruit juice; vegetable juice; plain soya, rice, or oat drinks enriched with calcium; plain fermented milk (e.g. yoghurt) drinks; combination drinks (e.g. water mixed with fruit juice); flavoured low fat milk. Tea, coffee and hot chocolate containing less than 5% added sugars or honey are also permitted. All carbonated soft drinks and juice drinks are therefore prohibited. Regulations were due to be implemented in September 2007.

Soft drinks have never been available in primary schools in England.

10.2.5 Finland

In Finland, there is a national school lunch program in which all children are provided with a free lunch. These lunches must follow guidance based on the Finnish Nutrition Recommendations issued by the National Nutrition Council. According to the recommendations, the school lunch should fulfil one third of a child's daily food requirements. Soft drinks are not specifically banned, but the guidelines effectively mean that soft drinks are never served with meals; rather, milk or water are served.

For other channels, in spring 2007, the National Board of Education (an agency under the Ministry of Education) and the National Public Health Institute (an agency under Ministry of Health) produced a recommendation to schools and municipalities that there should be no

⁵⁸ School Food Trust. A guide to the Government's new food-based standards for school lunches. School Food Trust, 2007. Available at: <http://www.schoolfoodtrust.org.uk/UploadDocs/Library/Documents/School-food-trust.pdf>

regular sale through any channel of soft drinks and sweetened juice drinks (or confectionary) in Finnish schools. This is a governmental recommendation, but not law. The National Nutrition Council endorsed the recommendation in the summer of 2008, when the Council produced a national recommendation on beverages. The impact of the recommendation is monitored by repeated surveys carried out by University of Oulu (in collaboration with the two agencies). From the baseline of Spring 2007, preliminary information from the 2008 survey show that many schools have already made changes according to the recommendations.

Soft drink vending is also affected by a voluntary initiative by the Finnish Federation of the Brewing and Soft Drinks Industry, who apply the UNESDA commitment (see above) that soft drinks should not be available in vending machines in primary schools, and that a “full range” be available in secondary schools.

10.2.6 France

In France, food is available through a subsidised school meal program and in shops in “school common rooms” (in secondary schools). Soft drinks have never been available in primary schools, but as of 2005, food and soft drinks were sold through vending machines in secondary schools. This practice came to an end in 2005. But in Public Health Law (2004, Article 30), vending machines were banned in schools as of September 2005. The law states that:⁵⁹

“Les distributeurs automatiques de boissons et de produits alimentaires payants et accessibles aux élèves sont interdits dans les établissements scolaires à compter du 1er septembre 2005”

The law banned vending machines, rather than just altering the context of vending machines, with the objective of reducing the habit of snacking among school children. The law has been fully implemented; the vending machines were removed at the request of the school heads, who did not renew or broke the contracts with the owners of the machines. Vending machines are no longer found in schools in France.

Nutritional guidelines for schools meals (2000, updated 2007) also recommend that schools do not serve soft drinks with school meals. The guidelines states that the only drinks recommended to be served with school meals is water, and sweetened soft drinks should not be served.⁶⁰ These guidelines are not legally binding, but it is reported that soft drinks never appear in the order forms from schools to their food and drinks suppliers. There is no explicit law concerning the shops in common rooms (which is also where the majority of vending

⁵⁹ JORF n°185 du 11 août 2004 page 14277 texte n° 4 . LOI n° 2004-806 du 9 août 2004 relative à la politique de santé publique. Available at:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000787078&dateTexte=>

⁶⁰ Observatoire Economique De L'achat Public. *Recommandation Relative A La Nutrition* Du 4 Mai 2007. (N°J5-07 Du 4 Mai 2007). Ministère De L'Economie Des Finances Et De L'industrie

machines were found), and it is not known if soft drinks continue to be sold from these outlets.

10.2.7 Germany

According to a key informant from the Federal Minister of Food, Agriculture and Consumer Protection, soft drinks are available in primary and secondary schools in Germany. They are available in school meals, school shops and vending machines. Reports suggest that the soft drinks companies are now providing more low-sugar drinks, fruit juices and water in schools.

There are no regulations that restrict the sale of soft drinks in schools, meals or vending machines. But there are quality-standards for school meals, which include a positive-list of drinks that should be offered in school meals and vending machines. These recommend that water is available at all times and that fruit juice mixed with water and herb/fruit teas may also be offered.⁶¹ These are voluntary guidelines.

10.2.8 Greece

In Greece, meals are not provided in schools and there are no vending machines. Food is, however, provided in school shops (termed “canteens”) that serve snacks in break times. In 2006, the Greek government passed a law explicitly prohibiting the sale of all soft drinks, except for 100% fruit juice, milk, and water, from these shops (legislative ministerial act (11/2006) dated the 31st of July 2006). The objective was to promote healthy eating in schools. According to reports from consumer organisations, however, school shops often violate the law because the government does not conduct strict controls.

10.2.9 Hungary

In Hungary soft drinks are available through school canteens and vending machines. The availability of soft drinks in schools is not banned in Hungary, but the National Food Safety and Nutrition Institute has produced official (but voluntary) guidelines on the foods that should be made available in school canteens and vending machines.⁶² According to the order (32/2005 OM) school directors have to provide an expert opinion of school health service on the assortment of the school canteen or vending machine before signing the contract with the canteen or vending machine operator. The recommendations developed by the National Food Safety and Nutrition Institute are the guidelines used to inform this expert opinion.

The Guidelines do not specifically state that soft drinks should not be served in schools, but that the proportion of sugar should be decreased. Research by the National Food Safety and Nutrition Institute on the changes of the assortment of school canteens in 2006, and found that

⁶¹ Bundesminister für Ernährung, Landwirtschaft und Verbraucherschutz. *Qualitätsstandards für die Schulverpflegung*. DGE Bonn, August 2007.

⁶² <http://efrira1.antsz.hu/oeti/kozetk/bufe.pdf>

half year after introducing the order and recommendation the proportion of soft drinks offered for sale in school canteens decreased by 4%.

Of note, whereas school canteens exist in all schools, about one third of schools are equipped with vending machines selling soft drinks. A survey on the use of vending machines in Hungarian schools was recently conducted. It found that about two-thirds of the students of these schools regularly use vending machines. 65% of head teachers were unaware of the drinks and foods on sale; in contrast around one third of the schools had rejected offers by vending machine operators on health (and environmental) grounds. About 82% of the schools with vending machines get financial support from vending machine operators, but according to a key informant from academia who studies the issue, the money received reportedly does not cover the extra costs of having a machine in the school (water, electricity, disposal of refuse).

10.2.10Italy

Soft drinks are available in schools in Italy through vending machines in high schools, and also, albeit less frequently, in primary and junior high schools. A key informant reported that 25% of primary and junior high schools in the province of Rome have vending machines containing sweetened soft drinks soft drinks. There are numerous vending machines selling soft drinks in high schools.

Several initiatives are ongoing in Italy to improve the quality of foods and drinks available in vending machines, some in conjunction with the vending association, CONFIDA.^{63,64} But no regulations are in place. Reportedly, under the auspices of the national program "Guadagnare salute," the Ministry of Health is intending to develop guidelines on school food which will restrict the availability of soft drinks in vending machines.

10.2.11Ireland

Meals are not served in the majority of secondary schools in Ireland, but where cafeterias do exist, soft drinks are often available. In most secondary schools, soft drinks are usually available through tuckshops and vending machines. There is no legislation restricting the sale of soft drinks in Ireland, although there are a number of cases where individual schools have restricted the sale of soft drinks. In some cases, the NGO "RedBranch" has facilitated these arrangements by arranging for bottled water to be sold at a discount to displace soft drinks vending machines. Soft drinks have never been available in primary schools.

⁶³ Giuseppe Fattori e Carlo Cannella. Distribuzione automatica di alimenti e promozione

⁶⁴ *Distribuzione automatica di alimenti: nuove opportunità per promuovere la salute*. Forum PA -Roma, 15 maggio 2008, Ore 11.00-13.30 Stand delle Aziende Sanitarie modenesi Padiglione8, stand 18C –NuovaFieradi Roma. Available at: <http://www.ppsmodena.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/204>

10.2.12Latvia

In Latvia, most food in schools comes in the form of school meals. There are generally no “tuckshops” and few vending machines, if any. The main channels for soft drinks are thus school meals, in both primary and secondary schools. These meals are provided by “catering companies.” On November 1, 2006, the government implemented legislation that prohibited soft drinks, drinks with added colours, sweeteners, preservatives and caffeine from anywhere in schools. Confectionary with these additives was also prohibited. The law was developed based on the concern that artificial additives are dangerous to children’s health. Anecdotal information suggests that the law has been implemented in schools in the country.

10.2.13Netherlands

There is no national school meal scheme in the Netherlands, so there is considerable variation on how food is provided in schools. In primary schools, school meals are generally not provided and children bring a pack lunch or go home for lunch. For children who bring a pack lunch, drinks may be provided in a quite informal arrangement (often by mothers on a voluntary basis) or a care institution takes care of children who cannot go home at lunchtime and provide drinks for them. Though this service is not regulated, in general, soft drinks are not available in primary schools. There are not any vending machines in primary schools,

Most secondary schools have a school cafeteria with vending machines and/or a tuck shop. Soft drinks are provided in almost all schools through these channels. According to a key informant from the Netherlands Nutrition Centre, the recent trend is that schools provide more “diet” soft drinks or water than before, although this is not the majority of drinks on offer.

There are no regulations from the national or local/regional government concerning the nutritional value of food and drinks in schools. But the Netherlands Nutrition Center has developed guidelines for providing healthy food and drinks in schools that schools can implement on a voluntary basis.

Within the framework of the national Covenant on the Prevention of Overweight,⁶⁵ partnerships are forming between industry, government and NGOs, including those on food provision in schools. Several “healthy school cafeteria” interventions are currently being implemented through these partnerships. A scientific study released in September 2008 found vending machines offering products with fewer calories in vending machines stimulated school girls to make healthier choices.⁶⁶ The study also developed a coding system to help schools make choices for foods and drinks to be made available in vending machines.

⁶⁵ www.convenantovergewicht.nl

⁶⁶ Symposium “Automatisch gezonder?” 1 september 2008. Available at: <http://www.automatischgezonder.nl/verslag/>

10.2.14 Norway

In Norway, school meals are not provided in primary schools, and children bring their lunch with them to schools. There is no government regulation prohibiting the availability of soft drinks in these schools, but with rare exception, there are no school shops or vending machines selling soft drinks in primary schools.

Ninety percent of secondary schools do, however, serve school meals in cafeterias. 60% of secondary schools also have vending machines. There are no binding regulations prohibiting the sale of soft drinks from vending machines or from school cafeterias. In 2000, sweetened soft drinks were sold in 92% of the schools (grade 11-13) with vending machines.⁶⁷ 71% of schools also sold artificially sweetened drinks, and 53% sold bottled water. In 2000, 84% of school cafeterias sold sweetened soft drinks and 80% artificially sweetened drinks; 45% water had water available in the cafeteria. A key informant, however, reports that the availability of sweetened soft drinks is thought to have declined since that time. This follows the revision in 2003 of the National guidelines for school meals guidelines by the Norwegian Directorate of Health revised the. The guidelines, which are voluntary, state that schools should not provide soft drinks and “saft” (squash).⁶⁸

10.2.15 Poland

Soft drinks are widely available from tuckshops and vending machines in most schools in Poland. School meals are also provided in Polish schools, but soft drinks are not apparently served as part of the meal. However, school heads are able to make the decision about whether to sell soft drinks (and other foods), and reportedly, some Polish schools have introduced restrictions on the sale of soft drinks and other snack foods.

10.2.16 Portugal

Subsidised school meals are available at all public schools in Portugal. Food is also available in snack bars (shops) and vending machines. In 2006, the government issued a series of nutritional guidelines for the foods sold through all these channels. The guidelines stated that soft drinks, including colas, ice teas and flavoured waters, energy drinks and sports drinks should not be available in the school context.⁶⁹ Rather, the only drinks that should be provided are water, unsweetened milk (including flavoured milk) and fruit juices (with no added sugar or artificial sweeteners or colours and having at least 50% fruit). The only drink to be made available with school lunch is water. In 2007, the Central Department of Ministry of

⁶⁷ Results from the 2000 School meal & food survey: Grade 11-13: Skolemåltidet og fysisk aktivitet i videregående skole. Available at: http://www.shdir.no/publikasjoner/rapporter/skolem_ltidet_og_fysisk_aktivitet_i_videreg_ende_skole_24131

⁶⁸ Retningslinjer for skolemåltidet. Available at: www.shdir.no/publikasjoner/retningslinjer/retningslinjer_for_skolem_ltidet_10041

⁶⁹ Ministério da Saúde/ Ministério da Educação. *Educação Alimentar em Meio Escolar: Referencial para uma oferta alimentar saudável*. 2006.

Education then published the "Circular nº 11/DGIDC/2007" - "Recomendações para os Bufetes Escolares", which made these guidelines legally binding.

No information is yet available about whether the regulation is being implemented, although key informant from the Ministry of Education believes that many schools are adopting the guidelines.

Madeira, an autonomous region of Portugal, also recently issued government guidelines on the school meals.⁷⁰ The guidelines "Regulamento dos Bufetes Escolares," recommended that the only drinks made available are water, milk and 100% fruit/vegetable juice. The guidelines were released in October 2008 and are legally binding.

10.2.17Scotland

In May 2008, schools in Scotland became legally bound to be "health-promoting", which places a duty on the school management to make responsible, health promoting decisions in all areas, even those not covered by specific legislation.⁷¹

Within this framework, in September 2008 the Scottish parliament passed legislation on new nutritional standards for food and drink in school lunches and outside school lunches.⁷² Permitted are water (pupils must have easy access at all times to free, fresh drinking water), unsweetened fruit/vegetable juices, fruit/vegetable juice and water combinations, soya, rice or oat drinks and milk and milk drinks that meet specific criteria. Tea and coffee are permitted as long as they are served with low fat milk. But the legislation prohibits the sale or supply of any other soft drink, including all sugared soft drinks, flavoured waters, sport drinks, sweetened vegetable/fruit juices, squashes/cordials including low and no-sugar versions and full fat milk, in all schools, either as part of the school lunch service or outside lunch via any sales channel (tuckshops, vending etc).⁷³

There are no mandatory restrictions within the immediate vicinity of schools. However there are certain drivers in place⁷⁴ which encourage local authorities to take action to improve the diet and health, including the food environment around schools. According to a key informant from Health Scotland, there are many examples of good practice in this area.

The regulations were due to come into effect in August 2008.

⁷⁰ Governo disciplina refeições na escola. *Jornal Madeira* October 1 2008. Available at: <http://www.jornaldamadeira.pt/not2008.php?Seccao=17&id=105934&data=2008-10-01>

⁷¹ The Scottish Government. Schools (Health Promotion and Nutrition) Scotland Act: Health promotion guidance for local authorities and schools (May 2008). Available at: <http://www.scotland.gov.uk/Publications/2008/05/08160456/0>

⁷² The Scottish Government. A guide to implementing the nutritional requirements for food and drink in schools (Scotland) regulations 2008.. Available at: <http://www.scotland.gov.uk/Publications/2008/09/12090355/0>

⁷³ Section 4: Drink standards for schools (Schedules 2 and 4). Available at: <http://www.scotland.gov.uk/Publications/2008/09/12090355/5>

⁷⁴ For example, National Performance Framework. Available at: <http://www.scotland.gov.uk/Publications/2007/11/13092240/9>

10.2.18 Spain

Food is available in schools in Spain in school meals, shops and vending machines. Soft drinks are sold from shops and vending machines in secondary schools and combined primary/secondary schools. They are not sold in schools that only teach primary-age students, although this is not the result of any particular regulation. Children in secondary schools can also purchase soft drinks in shops around schools. Soft drinks are not available in school meals (tap water is served) but there are no specific nutritional guidelines for school meals. Guidelines are, however, due to be released shortly.

There are no regulations that restrict the availability of schools, although the government signed an agreement with the vending association, ANEDA, to encourage healthier choices to be made available in vending machines (as described above). In addition, in July 2008, the government set up a working group with the Regional Public Health Authorities to discuss issues related to food and drinks in schools. The working group is likely to discuss the issue of soft drinks in schools.

10.2.19 Sweden

In Sweden, school meals are provided free to all pupils in all schools. There are no binding national guidelines for school meals, but the Swedish National Food Administration issue recommendations for meals served in schools and preschools. These guidelines state that “Skimmed milk and water should be served with school lunch. No other drinks are suitable to be served on a daily basis. Vitamin C-rich juice may occasionally be served.”⁷⁵ This it is recommended that no soft drinks are served in schools. These are guidelines only, and it is up to each individual municipality to decide what is served in their schools. According to local informants, many schools have on a voluntary basis banned soft drinks from the school cafeterias, although some cafeterias do reportedly sell them. Vending machines for soft drinks can apparently be found in some schools, and there also maybe small “shops” run by students but it is extremely rare to find them in schools with students younger than high school age.

10.3 Australasia and Pacific

10.3.1 Australia

School meals are not provided in schools in Australia. Rather, food is provided in what are termed “canteens”, which are like shops usually run by the school, often with volunteer parents. It is not subsidised by the government. Soft drinks have been available through these “school canteens” for sometime, as well as through vending machines.

⁷⁵ Swedish National Food Administration. Guidelines for school lunches: advice, tips and volume tables.

There is no national legislation or guidelines on soft drinks in schools in Australia. However, three states (out of a total of 6 states and 2 territories) have instituted policies that restrict the sale of soft drinks (ministerial directives, which are not regulations, but policies that are monitored) in public schools. In NSW, the restriction is part of the “Healthy School Canteen Strategy” of the Minister for Education. The strategy covers all food in all NSW government schools from the beginning of Term 1, 2007.⁷⁶ Under the Canteen Strategy, certain foods are defined as “Red”, others “Amber” and others “Green”. Drinks in the “Red” category may no longer be sold from school canteens and vending machines at any time. Drinks in the “red” category are all drinks with more than 300kJ per serve or more than 100mg sodium per serve, such as most carbonated sweetened soft drinks, energy drinks, fruit drinks, flavoured mineral waters, sports drinks, cordials, iced teas, sweetened waters and sports waters. Diet soft drinks and sugar sweetened drinks are still permitted under the “Amber Category”. 99% fruit juices and low fat milk drinks are encouraged to be served in the “green category”. According to the Ministry, the Catholic Education Commission and the Association of Independent Schools also strongly support the restriction and will encourage it in their sectors.

In Queensland, the state government regulate soft drink availability through their “Smart Choices for Queensland Schools: Healthy Food and Drink Supply Strategy”. The Strategy takes the same approach as the NSW guidelines, but also restricts “diet” soft drinks with artificial sweetener on the basis that “they have no nutritional value and are high in acidity which can contribute to tooth decay and erosion if consumed regularly.”⁷⁷ The Queensland strategy does, however, permit the drinks to be served once or twice per term. The strategy is mandatory in all QLD government primary and secondary state schools as of January 1 2007.

The third state is Victoria, where the state government introduced a ban on soft drinks in all of its 16,000 state schools in 2006, due to be fully implemented by the end of 2007. The ‘Go for your life’ Healthy Canteen Kit – School Canteens and Other School Food Services Policy again adopts a traffic light classification system; all drinks in the red category are banned from sale in school canteens and vending machines at any time, from term 1 2007.⁷⁸ The red category includes all sugar-sweetened drinks, including sports drinks and fruit drinks. “Diet” drinks are in the amber category. The policy applies to all Victorian state primary and secondary schools, in ‘regular food provision’ environments, such as vending machines, school canteens, breakfast clubs, etc. The policy is also encouraged for other school environments, such as school events, classroom rewards, fundraising, etc.

There are no official reports on the degree of implementation in Australia, but anecdotally it appears that the guidelines are being enforced.

⁷⁶ Sugar Sweetened drink Ban for NSW Schools. Available at:
http://www.health.nsw.gov.au/pubs/2006/pdf/softdrink_ban.pdf

⁷⁷ Queensland Government. Smart Choices for Queensland Schools Healthy Food and Drink Supply Strategy. Available at: <http://education.qld.gov.au/schools/healthy/docs/smart-choices-strategy.pdf>

⁷⁸ Go For Your Life Health Canteen Kit. Available at:
http://www.eduweb.vic.gov.au/edulibrary/public/schadmin/schops/healthycanteen/gfyl_policy.pdf

10.3.2 New Zealand

In New Zealand, meals are not served in the public school system, but food is sold at what are termed “canteens”, which are shops on the school grounds that specialise in lunch/snack foods. Food is also sold through vending machines. Soft drinks are sold through both these channels.

The availability of soft drinks sold through both these channels is affected by government guidelines on school food published in 2007. The guidelines, termed the Food and Beverage Classification system (FBCS) groups foods into three main categories – everyday, sometimes and occasionally.⁷⁹ Full-sugar and artificially sweetened energy drinks and full-sugar carbonated beverages fall into the “occasional” category, which means they are not recommended for sale or provision in schools at all. Artificially sweetened carbonated beverages and flavoured and/or fortified water and sports drinks fall into the “sometimes” category. These guidelines cover all food in schools, including food sold in school shops (canteens) and vending machines. The FBCS guidelines voluntary for schools to adopt, but it is monitored by the education review office and therefore treated almost like a regulation.

A major catalyst for the development of the FBCS were the Waitemata District Health Board Beverage Guidelines (the district that contains Auckland). The Waitemata DHB Beverage Guidelines use a simple traffic light system, which label drinks green, orange or red based on their energy, nutrient and package size. Red beverages came with the instruction “Do not sell these beverages in your school. These beverages offer limited nutritional value or contribute excess energy (kilojoules (kJ)). They include carbonated sweetened beverages, full-fat, plain and flavoured milks, fruit drinks and cordials with more than 90kJ per 100mls and sports beverages, sports waters and flavoured waters with more than 50kJ per 100mls. These guidelines were technically voluntary in nature, but treated like a regulation.

There is no comprehensive data on implementation, but a key informant reported that some small surveys and feedback from staff at The National Heart Foundation of New Zealand who work directly with schools indicate that almost most schools in New Zealand have removed sugar sweetened soft drinks and a large proportion have also removed artificially -sweetened soft drinks. Many schools removed soft drinks directly after the launch of the FBCS in July 2007. In Waitemata, the guidelines were credited for immediately removing full sugar carbonated drinks from schools. One school reported that before the Beverage Guidelines, they were selling about 6450 'red' category drinks each month. In less than a week after implementing the guidelines, all full sugar fizzy drinks were removed from sale.⁸⁰

⁷⁹ Food and Beverage Classification System. Available at: <http://www.heha.org.nz/index.php?id=120>

⁸⁰ Pete Hodgson. Food and Beverage Resources launch. News Release 18 July, 2007. Available at: <http://www.beehive.govt.nz/node/30071>

10.3.3 Pacific Islands

Several Pacific Islands have taken steps to reduce the availability of soft drinks in schools. There is considerable variation in how food is provided in schools in the different Pacific Islands. There is a huge variation across the region in terms of meals and snacks in schools. In Guam, French Polynesia and New Caledonia, for example, meal provision is subsidised and regulated: menus are checked by dietitians, and provided at low or no cost. In the rest of the countries, food availability is less structured, no meals are served, and “tuck shops” (termed “school canteens”) are run within the school, often by parents or the schools to generate revenue, or by private contractors. Vendors may also be allowed onto the premises to sell foods, or just outside the gate. These shops are the main sources of soft drinks in schools. Vending machines are much less common although can be found in some schools. Children can also leave the school and purchase soft drinks from nearby stores.

In this context, five Pacific Islands have policies or draft policies that affect the availability of sweetened soft drinks in schools: Fiji (compulsory) French Polynesia (compulsory), Tonga (voluntary at moment), Cooks (compulsory) and Samoa (still being developed).

Fiji has the most comprehensive policy. Soft drinks have been available in primary and secondary schools in Fiji through school shops (“canteens”), vending machines (which are provided free by the companies in exchange for exclusive sales of their drinks), and upright fridge cooling units. The “School Canteen Guidelines” cover all food available in and around the schools. Developed by the National Food and Nutrition Centre, Ministries of Health and Education, in collaboration with the Secretariat of the Pacific Communities and UNICEF in 2006, they were developed in line with the School Nutrition Policy of promoting healthier school food environments. The Guidelines require that food sold in school canteens (shops where food can be purchased for lunch and snacks, some of which are managed by outside contractors, some by the school or students) and vending machines should follow nutritional standards set by the National Food and Nutrition Centre. It states that cordials, soft drinks and ice blocks should not be available in school canteens and vending machines and around school premises. The guidelines were issued through a Directive from the Ministry of Education. As such, they are not strictly legally binding, but are treated as a regulation since schools are monitored for compliance.

Reports from Fiji suggest that implementation faced initial challenges. The School Canteen Guidelines were not circulated among all schools and the schools were not certain how to implement them. Since then, the guidelines have been distributed and the school managements, principals and teachers been given training and information about how to make the changes. Dietitians in ‘School Health Teams’ monitor the implementation of the guidelines. Reportedly, as a result, soft drinks are now slowly disappearing from schools.

Less detail is available about the other policies. Tonga’s policy is very brief, comprising a list of acceptable foods. It recommends bottled water is available, and that “sweet or fizzy drinks, ice blocks are not available. In French Polynesia, as an overseas territory of France, vending machines have been replaced with water dispensers.

10.4 Latin America

10.4.1 Brazil

In Brazil, food is available in schools in subsidised meal programs and also from snack bars and vending machines and “cantinas escolares”, “shops” inside schools that serve food. Meals distributed in public schools are subject to specific regulation from School Meal Food Program and soft drinks are not provided. Soft drinks are however available through shops, vending machines and cantinas escolares.

In 2006, the Brazilian government passed legislation designed to promote healthy eating in schools. The legislation covers all food in public and private schools. *Portaria Interministerial N° 1.010 De 8 De Maio De 2006* does not mention soft drinks specifically, but states that “schools should restrict foods high in fat, saturated fat, fat trans, free sugars and salt, and develop healthful food options and meals.

As of 2008, ten cities, municipalities and states in Brazil had passed more specific laws on foods and drinks permitted in schools: Florianópolis (city), Rio de Janeiro (state), Rio de Janeiro (state), Rio de Janeiro (municipality), São Paulo (state), Santa Catarina (state), Distrito Federal, Paraná (state) Ribeirão Preto, and (in 2008) Rio Grande do Sul (state) (see Table). All these laws restrict the availability of soft drinks in all channels through which they are available. The laws in Rio de Janeiro (city and state) and Distrito Federal (Brasilia) also restrict food advertising in schools. With the exception of Distrito Federal, these actions are restricted to the South and Southeast of the country. The content of the regulation refers to soft drinks in general and covers drinks with sugar, carbonated and light soft drinks. It does not refer to alternative drinks like fruit juices and teas with sugar.

In 2007, the Ministry of Health in Brazil published a report *Regulation of the Commercialization of Food in Schools in Brazil: State and municipal experiences*, which detailed the development of the laws in each of the states and cities.⁸¹ It found that all the laws faced controversy and resistance when being developed, but that a wide range of stakeholders had been involved, including Ministries of Health and Education, NGOs, universities, parents, teachers, owners of vending machines, nutrition councils, private schools syndicates, food school councils and others. A key informant from the Ministry of Health was not, however, able to provide any information on whether the laws have been implemented and enforced.

⁸¹ MINISTÉRIO DA SAÚDE, Secretaria de Atenção à Saúde, Departamento de Atenção Básica, Coordenação Geral da Política de Alimentação e Nutrição. Regulamentação da Comercialização de Alimentos em Escolas no Brasil: Experiências estaduais e municipais. Brasília – DF, 2007. Available at: http://200.214.130.94/nutricao/documentos/regula_comerc_alim_escolas_exper_estaduais_municipais.pdf

Table: State, municipal and city laws affecting the availability of soft drinks in schools in Brazil as of 2007

State	Law	
Florianópolis city	Lei n.º 5.853, de 4 de junho de 2001	Prohibits sale of soft drinks in schools (refrigerantes e sucos artificiais)
Santa Catarina	Lei n.º 12.061/2001	Prohibits sale of soft drinks in schools (refrigerantes e sucos artificiais;)
Paraná	Lei n.º 14.423, de 2 de junho de 2004	Prohibits sale of soft drinks in schools (refrigerantes e sucos artificiais)
	Lei n.º 14.855, de 19 de outubro de 2005	Prohibits sale of soft drinks in schools (refrigerantes, sucos artificiais, refrescos a base de pó industrializado)
Federal District (Brasília)	Lei n.º 3.695, de 8 de novembro de 2005	Prohibits sale of soft drinks in schools (refrigerantes e sucos artificiais)
State of São Paulo	Portaria Conjunta COGSP/CEI/DSE, de 23 de março de 2005	No explicit prohibition but states that only specific drinks are permitted, which does not include carbonated soft drinks
Rio de Janeiro City	Decreto n.º 21.217, de 1.º abril de 2005	Prohibits sale of soft drinks in schools refresco de pó industrializado, refrigerante,
Rio de Janeiro municipality	Portaria n.º 02/20046, de 1.º de março de 2004	Prohibits sale of soft drinks in schools (refrigerantes e refrescos artificiais).
Rio de Janeiro state	Lei n.º 4.508, de 11 de Janeiro de 2005	Prohibits sale of soft drinks in schools (refresco de pó industrializado, refrigerantes) and drinks with additives
Ribeirão Preto	Resolução municipal n.º 16/2002, de 29 de julho de 2002	Prohibits sale of soft drinks in schools (refrescos elaborados a partir de pó pré-preparado)
Rio Grande do Sul (state)	Details not available	

10.4.2 Costa Rica

Soft drinks are available in primary and secondary schools in Costa Rica, where they are sold in school shops. There are no vending machines in Costa Rican schools, and the provision of carbonated, sweetened soft drinks in the subsidized school meals program of the Ministry of Education is prohibited. However, the widespread availability of soft drinks in school shops led to concerns that children were consuming too many soft drinks while at school. As a result, the Ministry of Education, the Ministry of Health, the Food Guide Intersectorial Commission (Comisión Intersectorial de Guías Alimentarias, CIGA), the Costa Rican Institute for Research and Education on Nutrition and Health (INCIENSA) and the National Obesity Commission have been developing a regulation that would prohibit the sale of sugar-sweetened soft drinks in all schools in Costa Rica. The regulation, which is still under discussion, would take the form of a revision of the existing national “*Regulation for*

operating school shops in schools and colleges.” This regulation is not a law but nevertheless legally binding. The ultimate aim of the regulation would be to contribute to achieving the goal stated in *Policy No. 2 Promotion of healthy food and nutrition among the entire population* in the *National Plan of Food and Nutrition 2006-2010*.

10.4.3 Mexico

In Mexico, soft drinks are sold in public primary and secondary schools in shops (“cooperativas”) and travelling stores during school break time, and sometimes at the beginning and end of the school day. A recent (as yet unpublished) study by the National Institute of Public Health in Mexico (INSP) examined the availability of soft drinks in *primary* schools. It showed that sweetened soft drinks were available in 94% of the studied schools, bottled water available in 77%, “free” water in 38%, and diet drinks in 6%. (The bottled water is significantly more expensive than the sweetened soft drinks.)

Soft drinks are also sold immediately outside schools around the beginning and end of the school day. There is also a subsidised school meal program in Mexican primary schools (“Desayunos escolares”) but soft drinks are not available through this channel, which provides whole milk. In private schools, they are available in cafeterias where school meals are served, shops and vending machines.

The Ministry of Health is currently devising “Food and beverages guidelines for schools” which will regulate the food and drinks available in primary schools. It is expected that these guidelines will recommend some restrictions on soft drinks in primary schools. In the long-term it is expected that the guidelines will become a law.

A consumer group also reported that schools in about 20 states (out of 31 plus one federal district) have regulations that restrict soft drinks and other snack foods in schools. But this was not confirmed, and according to the consumer organisation, the regulations do not appear to be working.

10.4.4 Other Latin American and Caribbean countries

It is reported that throughout Latin America and the Caribbean, soft drinks are widely available in primary and secondary schools through shops (“kiosks”). In some countries, they were also available in school cafeterias that serve meals, and in others, through vending machines (vending machines are absent in some countries). This information was obtained from 13 Latin American/Caribbean countries: Belize, Bolivia, Chile, Ecuador, Guatemala, Guyana, Jamaica, Nicaragua, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela.. Soft drinks are not available where school meals are subsidised. For example, in Chile 60% of children receive free school meals in public schools, and receive water as part of the meal

Information from key informants within these countries indicated that there are no regulations on soft drinks in schools. However, according to a key informant from the Institute of

Nutrition of Central America and Panama (INCAP), a norm does exist on carbonated soft drinks in schools throughout Central America that is not upheld. The key informant reported that INCAP are working on the development of the application of this norm.

10.5 Asia

10.5.1 Hong Kong SAR

In Hong Kong, soft drinks are sold in vending machines and tuckshops in most primary and secondary schools. They also may be available with school meals; most primary and secondary schools are required to make meal arrangements for their students.

The Hong Kong the administration has a program with the objective of promoting healthy eating in schools “EatSmart@school.hk”. In 2006, EatSmart published “Nutritional Guidelines on School Lunch for Primary School Students”⁸² and “Nutritional Guidelines on Snacks for Primary School Students.”⁸³ In these guidelines, soft drinks are “strongly discouraged” from the school setting. The guidelines state that “these items should not be brought to school, or made available for sale from school tuck shops or vending machines.”⁸⁴ It is voluntary for primary schools to adopt the guidelines. Although secondary schools are also free to adopt the guidelines provided, there are no additional nutritional guidelines for secondary schools.

As stated in another policy document: the "School Policy on Healthy Eating", schools – both primary and secondary – are encouraged to develop their own healthy eating policy. It also states that:⁸⁵

- The school should post up markers of point-of-prompt on/near vending machines, to encourage students to choose water or other healthier drinks as refreshment.
- Putting up promotional materials to promote or publicize unhealthy drinks/snacks is forbidden. The manufacturers of these unhealthy drinks/snacks are not allowed to sponsor any activity of the schools.
- Water fountains should be available at each floor of the school building and provide water fulfilling hygiene standards.

A key informant from the EatSmart program reported that there is no information about the number of schools implementing the guidelines.

10.5.2 India

In India, soft drinks are sold in cafeterias alongside the “mid-day meal,” a subsidised meal service. There are no vending machines in the schools. In 2006, seven states introduced a ban

⁸²Centre for Health Promotion. *Nutritional Guidelines on School Lunch for Primary School Students*. Available at: http://school.eatsmart.gov.hk/files/pdf/nutritional_guidelines_on_school_lunch_en.pdf

⁸³ http://school.eatsmart.gov.hk/files/pdf/nutritional_guidelines_on_snacks_en.pdf

⁸⁴ http://school.eatsmart.gov.hk/files/pdf/nutritional_guidelines_on_snacks_en.pdf

⁸⁵ School Policy on Healthy Eating. Available at: http://school.eatsmart.gov.hk/files/pdf/school_policy_on_healthy_eating_en.pdf

on the sale of soft drinks in schools following a scare concerning high levels of pesticides in soft drinks. In most cases, the ban was lifted after a few months, but some schools do reportedly still restrict the sale of soft drinks in schools.

10.5.3 Japan

There is a very comprehensive school lunch program in Japan (following the School Lunch Law of 1954). The law dictates that meals served in schools must follow nutritional guidelines set by the Ministry of Education. All school lunch menus are decided by the school nutritionist to meet these guidelines. Although the law does not specifically prohibit serving soft drinks, to meet these guidelines, it becomes almost impossible to serve soft drinks (including carbonated sweetened drinks, sports drinks, sweetened teas and fruit drinks, drinks with artificial sweeteners), and they are reportedly never served with the school lunch. Rather, milk is usually served (to meet calcium requirements), although fruit juice and sweetened yogurt are very occasionally available.

In addition, Japanese law dictates that private businesses are prohibited from schools, which means there are no shops or vending machines at public elementary and secondary school in Japan, and thus soft drinks are not available through any other channels.

Private schools also follow the school lunch law and nutritional standards for school lunch. However, food and drinks may be available from vending machines and small shops, although it is uncommon for them to sell carbonated soda and sweetened soft drinks.

10.5.4 Malaysia

Food is available in schools in Malaysia through school canteens (school cafeterias where children can buy breakfast and lunch). Soft drinks are available at these canteens, and also through vending machines in both primary and secondary schools.

However, in 2004, a directive from the Ministry of Education stated that soft drinks should not be available in schools. The directive, the updated 'School Canteen Management Guidelines' placed soft drinks (along with food items like ice-creams, instant noodles, and coloured/flavoured beverages) in a 'discouraged' category. Some foods were completely banned, including drinks with artificial flavours and colours.

Implementation is meant to occur through administrative measures. School canteens are operated by private contractors, selected through a competitive process by the school management. The private contractor selected must sign a license agreement with the Ministry of Education and the school, and the agreement stipulates the criteria listed in the school canteen guidelines. Failure to comply is supposed to mean the termination of operating license.

There is considerably uncertainty about how well the guidelines have been implemented. Anecdotal evidence from surveys and newspaper reports suggest that private contractors

operating the canteens continue to serve carbonated drinks. Sweetened and artificially flavoured fruit drinks (notably from cordials) are still sold, as well as drinks like iced teas, and it is reported that vending machines can still be found in schools. Realizing the shortcomings in enforcement measures, the Ministry of Education has introduced a self-regulatory system in which the school management (the authority that issues canteen operation tenders) must proactively inspect and monitor their own canteen operators. Of note, private schools may restrict the availability of soft drinks completely on a voluntary basis.

School children can also still buy these foods from mobile vendors, shopping malls, convenience stores and fast food restaurants just outside the school compound. Soft drinks may also be available in school co-operative stores and school buses.

10.5.5 Philippines

In 2007, an Order from the Department of Education prohibited the sale of “carbonated drinks, sugar-based synthetic or artificially-flavored juices, junk foods and any products that may be detrimental to the child’s health and that do not bear the Sangkap Piny seal and/or did not pass BFAD approval.”⁸⁶ The prohibition was part of an order that set new guidelines for the operation of “school canteens” which are either school- or teacher- managed venues where children can buy food.

10.5.6 South Korea

Soft drinks are not available in primary schools in South Korea. No school shops or vending machines exist in school premises, and school meals are carefully controlled by the “School Meals Act”. Almost every primary school has own kitchen and registered dietician to prepare school meals for children. However, some secondary schools serve school meals by contract with catering services and occasionally fruit drinks (either carbonated or not) are provided as a part of meal. Secondary schools with their own kitchen do not serve soft drinks in meals; the government is expected to soon require secondary schools to no longer provide meals through private contracting services. But most secondary schools do have school shops that sell soft drinks. In addition, there are small stores in the vicinity of almost all schools, primary and secondary, that sell soft drinks.

The government recently promulgated an Act to prohibit soft drinks in and around schools. The ‘Special Safety Control Act on Children’s Food’ of March 2008 prohibits the sale of any “energy dense food with low nutritional quality” from schools and certified stores (“superior stores”) in what is termed a ‘Green Food Zone’ (the area within 200m radius from each school). This provision will be effective from March 2009. The Korean Food and Drug

⁸⁶ Department of Education, Republic of the Philippines. DepEd Order No 8 Feb 6 2007. Revised implementing guidelines on the operation and management of school canteens in public elementary and secondary schools. [http://www.deped.gov.ph/cpanel/uploads/issuanceImg/DO%20No.%208,%20s.%202007\(complete\).pdf](http://www.deped.gov.ph/cpanel/uploads/issuanceImg/DO%20No.%208,%20s.%202007(complete).pdf)

Administration is preparing the criteria for 'energy dense food with low nutritional quality,' which will determine what soft drinks can and cannot be served in schools.

10.5.7 Thailand

Soft drinks are available both in primary and secondary schools in Thailand, especially in urban settings. They are mainly sold through school shops, and to a much lesser extent, vending machines. Subsidised school meals are served in schools in Thailand, but soft drinks are not available as part of the meal owing to their cost. Nearly all schools provide drinking water for the students.

There are no regulations to date that restrict the sale of soft drinks in schools, but following campaigning by advocacy groups, the Ministry of Education sent a letter to primary and secondary schools under its control to request them not to permit soft drinks to be available in schools. A few schools in Bangkok metropolitan region have made the decision to ban soft drinks in their schools, at the initiative of the director of the school and/or parent-teacher groups.

10.6 Middle East

The government in Iran has taken a stand against soft drinks since 2006. In 2006, the Ministry of Health warned that carbonated soft drinks were a leading cause of rising obesity in the country. The Ministry of Health then implemented a programme regulating consumption of carbonated soft drinks, including restricting on advertising and prohibiting sale of soft drinks in government institutions and canteens, and replacing them with mineral water and yogurt. According to a key informant, since that time, soft drinks have reappeared in government offices, but there are very few advertisements for soft drinks on television and in public areas compared with earlier years. Today, soft drinks are not permitted in any sales channel in schools, including meals, shops and vending machines.

Newspaper reports also indicate that in June 2008, the Ministry of Education in the United Arab Emirates announced plans to ban the sale of certain food products in all schools from September 2008. These reports have not been verified.