

New York City Agency Food Standards

Part II: Standards for Beverage Vending Machines

The Standards for Beverage Vending Machines were enacted May of 2009, pursuant to Executive Order 122. There are separate standards for vending locations regularly used by adults (Adult Standards) and for vending locations regularly used by children (Children's Standards).

Standards for Vending Locations Regularly Used by Adults

The following five criteria must be met:

1) Specifications regarding the product mix:

- A) No more than two columns (or "buttons") may be High Calorie beverages (defined as any beverage > 25 calories per 8 oz). The maximum of two columns applies irrespective of the total number of columns in the machine.
- B) Unless otherwise approved by the City in writing, water is required to be stocked for a minimum of 2 columns (or "buttons").^{1,2}
- C) The remaining products must be \leq 25 calories per 8 oz.

2) Specifications regarding product display placement:

- A) Water must be placed in the position with the highest selling potential.
- B) High Calorie beverages must be placed in the position with the lowest selling potential.
- C) For machines where the buttons are arrayed vertically, highest selling potential means those closest to eye level, usually the top buttons, and lowest selling potential means those furthest from eye level, usually the bottom buttons. Or as determined by industry best practices.³

3) Specifications regarding size:

- A) All beverage selections with the exception of water and seltzer are limited to 12 oz.⁴
- B) All water and seltzer selections must be at least 12 oz.
- C) Portion sizes smaller than 12 oz are encouraged for High Calorie beverages.

4) Calorie labeling:

- A) Every machine must display the total calorie content for each item, as sold, clearly and conspicuously, adjacent or in close proximity so as to be clearly associated with the item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the beverage where it can be seen before the consumer presses the button to choose the beverage. Existing nutrition labeling on the beverages does not meet this requirement. The City will have sole discretion regarding the display of calorie information. (adapted from HC §81.50)

5) Promotional space:

- A) Promotional space on the vending machines (i.e. sides, front graphic panel, etc.) including but not limited to the language and graphics, if used, is subject to the approval of the City in its sole discretion and must be used only to promote healthy beverage choices (\leq 25 calories per 8 oz) and/or healthy activities.

Price: *(Recommended)*

- A) Pricing models that encourage healthy choices (e.g. by establishing lower prices for healthy beverage choices (\leq 25 calories per 8 oz) relative to High Calorie beverages (> 25 calories per 8 oz)) are encouraged.

For more information, please contact: nycfoodstandards@health.nyc.gov



Standards for Hot Beverage (e.g. Coffee) Vending Machines

The following criteria must be met:

- All beverages must be ≤ 25 calories per 8 oz.
- If stocking condiments:
 - Milk/creamer product must be 1% or non-fat
 - Sugar and sugar-substitutes are acceptable
- All beverages and condiments must contain < 0.5 grams of trans fat per serving.

Phase in time of 2 years, to be in compliance by January 2012.

Standards for Vending Locations Regularly Used by Children age 18 and under

The following three criteria must be met:

1) Specifications regarding the product mix:

- A) Beverage vending machines can only include:
 - Water¹
 - Unsweetened milk, 1% or nonfat only
 - Beverages with ≤ 25 calories per 8 oz
 - Carbonation and caffeine are allowed
- B) Prohibited:
 - Artificial sweeteners
 - Other “natural” non-nutritive or very low-calorie sweeteners (e.g. stevia, erythritol)
 - Artificial flavors and colors
- C) If the location is regularly used by **programs serving children age 12 or younger** (e.g. afterschool locations, summer camp), in addition to the standards above, products:
 - Should not be caffeinated
 - Should be ≤ 10 calories per 8 oz

2) Calorie labeling:

- A) Every machine must display the total calorie content for each item, as sold, clearly and conspicuously, adjacent or in close proximity so as to be clearly associated with the item, using a font and format that is at least as prominent, in size and appearance, as that used to post either the name or price of the beverage where it can be seen before the consumer presses the button to choose the beverage. Existing nutrition labeling on the beverages does not meet this requirement. The City will have sole discretion regarding the display of calorie information. (adapted from HC §81.50)

3) Promotional space:

- A) Promotional space on the vending machines (i.e. sides, front graphic panel, etc.) including but not limited to the language and graphics, if used, is subject to the approval of the City in its sole discretion and must be used only to promote healthy beverage choices (≤ 25 calories per 8 oz) and/or healthy activities.

Note that New York City beverage vending standards may be revised or updated in the future. Vendors will have time to come into compliance with any changes.

¹ Unless otherwise approved by the City, in its sole discretion in writing, water for the purposes of these Standards shall mean bottled water that is intended for human consumption, that contains 0 calories per 8 oz, and contains no added flavor, color, or sweeteners of any kind. Any product containing water modified with added flavors, colors or sweeteners or with calories in excess of 0 calories per 8 oz shall not be considered water for the purposes of these Standards.

² If drinking water is free and readily available in the same vicinity (must be on the same floor) as a beverage vending machine, agencies can substitute seltzer for the mandatory 2 columns (or “buttons”) of bottled water. Seltzer is defined as water naturally or artificially impregnated with mineral salts or gasses, having 0 calories per 8 oz and no artificial sweeteners.

³ However, because machines have different display arrangements, the City will have sole discretion to approve all product display and placement.

⁴ For the purposes of these Standards, seltzer is defined as water naturally or artificially impregnated with mineral salts or gasses, having 0 calories per 8 oz and no artificial sweeteners.

Guidance for the Application of the Adult and Children's Standards

Beverage vending machines within City Facilities* may serve an array of customers including: the general public; employees of the City of New York; participants in City programs for youth (school students, participants in afterschool programs); participants in City programs for adults; and others. The Children's Standards will be applied based on the type of programming that takes place in the facility in which a machine is located.

Adult Standards

City Facilities* that cater to adults and do not have programming for children should follow the Adult Standards. Examples include office space occupied by City agencies, police precincts, senior centers and shelter facilities for adults.

City Facilities* that are open to the general public but have no specific programming of any kind, such as gas stations, are subject to the Adult Standards.

Any portion of a youth facility which is intended for use exclusively by adults, and where youth are not generally permitted to enter, are subject to the Adult Standards. For example, teachers lounges within schools or the administrative offices of a community center are subject to the Adult Standards

Children's Standards

Any City Facility* where there is programming specifically for children, such as schools, community centers, park facilities, other spaces that regularly host Out-of-School Time (OST) programs, and athletic facilities that are used by school teams, are subject to the Children's Standards. For example, a community center that has programs for youth on weekday afternoons and adults in the evenings is subject to the Children's Standards.

Children age 18 and under Beverage Standards (High School) should be used by facilities that have programming only for high school aged children.

Children age 12 or under Beverage Standards should be used by facilities that have regular programming for children 12 and under. Facilities that serve children of all ages should use this standard. So, if a facility serves children age 6–18, it is subject to these standards.

*A City Facility is a property, building, or a discrete portion of a property or building, that is owned, rented, or otherwise controlled by the City or occupied by a City funded program.