**Via Electronic Submission: Regulations.gov** March 26, 2025

[redacted]
Acting Administrator and Assistant Administrator
Food and Nutrition Service
1320 Braddock Place
Alexandria, VA 22314

**Re: Request for Information: Grain-Based Desserts and High-Protein Yogurt Crediting in Child Nutrition Programs [2024-30710]**

Dear [redacted]:

The New York City Department of Health and Mental Hygiene (NYC Health Department), the Mayor's Office of Food Policy (MOFP), and the NYC Public Schools (NYCPS) appreciate the opportunity to submit comments regarding the U.S. Department of Agriculture's (USDA) request for information: Grain-Based Desserts and High-Protein Yogurt Crediting in Child Nutrition Programs. Overall, we support USDA's commitment to updating requirements for school meals and strengthening nutrition criteria to ensure meals are consistent with up-to-date nutrition science. Further, Federal support for nutritious school meals is critical to the continued supply of and access to healthy food. Federal funding for fresh and local foods fosters a robust and resilient food system connecting farmers and communities and increasing access to healthy foods for school children. School meals are a consistent source of nutritious foods for students, and we support continuously reviewing and updating school food requirements. Improved nutrition standards that reduce added sugar content are necessary to serve healthier school meals to children. Added sugars add calories to the diet, but little or no nutritional value. Research shows that high intake of added sugars is associated with health harms such as type 2 diabetes, heart disease, and dental caries.

The NYC Food Standards are evidence-based nutrition criteria mandated by Mayoral Executive Order since 2008 for all City agencies and sub-contracted programs serving food. The NYC Food Standards applied to over 219 million meals and snacks in 2024, including more than 160 million meals and snacks in schools.[1] They ultimately reach a variety of New Yorkers, including school children in NYC public schools.[2] The NYC Food Standards are typically updated at least every three years and were most recently revised in 2022. With each update the latest scientific evidence, marketplace availability, NYC agency input, and stakeholder feedback are strongly considered[3], enabling the creation of nutrition standards that are grounded in the purchasing realities of a diverse range and scale of meal providers. City agencies collectively report a consistently high compliance rate with the NYC Food Standards[1], demonstrating their use as a model for feasible nutrition requirements in institutional settings, including those that serve children.

***Input on Grains High in Added Sugars*** **[page 104970]**

1. Should the Food and Nutrition Services (FNS) consider alternative approaches to its current grain-based desserts policies, such as replacing these policies with limits for "grains high in added sugars"?

**New York City Response:**

We support the suggestion to require a limit on servings of "grains high in added sugars" instead of a limit on grain-based desserts. This would work to address grain-based foods that are likely to be high in added sugars but that are not considered desserts, (e.g., coffee cake, quick breads, muffins). This would also support programs in meeting the weekly limit on calories from added sugars that will begin in school year 2027-2028.

The NYC Food Standards require several product specific limits for sugars, including a limit on total sugars for breads and other grains.[i] This requirement was introduced in the NYC Food Standards to support City programs to meet a requirement for < 10% of calories from added sugars per day. As demonstrated by the NYC Food Standards, programs can comply with sugar limits for non-dessert grain-based foods, demonstrating feasibility for a more comprehensive approach to healthier food intake.

2. If FNS were to establish limits for "grains high in added sugars," how should the limits be established?
    a. Should FNS adopt FDA's definition for "high" for nutrient content claims used on food labels to define "grains high in added sugars"? What are benefits or limitations of this approach?

**New York City Response:**

We support FNS' use of the FDA's definition of "high in added sugars" as guidance to limit added sugar in grains served in school meals. This will simplify implementation and technical assistance by using a gram of added sugar-based criteria instead of categories of foods. Further, we recommend limiting grains "high in added sugars" to the same frequency with which grain-based desserts are currently limited and to extend limits to the School Breakfast Program (SBP. Our marketplace research shows that 2609/4864 (54%) cakes, cookies and muffins contain <10g added sugars and contain no low- or no-calorie sweeteners. School meal programs would still have flexibility to offer convenient and familiar breakfast items while working towards meeting weekly limits on calories from added sugars served to children.

    b. What opportunities and challenges could arise from having different limits for grains offered to children ages one through three versus children and adults ages four and older?

**New York City Response:**

The 2020-2025 DGA recommend no added sugars for children under age 2. The 2020-2025 DGA reports that children ages 2-3 overconsume added sugars. Having different, stricter limits for grains offered to children under age 4 is an opportunity to support alignment with the DGA and improve dietary intake. A stricter limit for children under age 4 is beneficial for Child Nutrition Programs (CNP) role in teaching participants healthy eating habits. As taste preferences may be formed in early childhood it is beneficial to limit exposure to added sugars for young children.

[i] Note: The current NYC Food Standards limits are based on total sugar or calories as added sugars information was not widely available in time to be considered for the marketplace research conducted to inform the 2022 updates.

c. What other approaches should FNS consider to define “grains high in added sugars”?

**New York City Response:**
We recommend that any grain containing low- or no-calorie sweeteners (LNCS) not be creditable in CNP. As manufacturers reduce added sugars as a result of global sugar reduction policies, there have been increases in LNCS[4,5,6,7]. LNCS do not offer any nutritional benefits, nor do they support weight management[8,9]. Overall use of LNCS promotes a sweeter taste profile which is not aligned with the goal of limiting added sugars.

***Strategies to Reduce Added Sugars at School Breakfast*** **[page 104970]**

2. What menu items are schools serving to reduce added sugars at breakfast? Examples may include protein foods (e.g., eggs; meat; tofu; beans, peas, and lentils) or others.
a. Please share examples of breakfast menu items lower in added sugars that are popular with students.

**New York City Response:**
NYC Public Schools have used different menu items to reduce added sugar at breakfast including egg sandwiches, breakfast breads with limited added sugars and whole fruit toppings instead of syrup.

**High-Protein Yogurt Crediting**
***Current Policies*** **[page 104970]**
1. Are Program operators currently offering Greek or Greek-style yogurt, or other types of yogurts that contain more protein than regular yogurt, as part of reimbursable meals or snacks?

**New York City Response:** Yes, NYC Public Schools currently offer Greek or Greek-style yogurt as part of reimbursable meals or snacks.

a. To which age groups and in which meals are these types of yogurts offered?
**New York City Response:** High-protein yogurt is offered to all age groups.

b. How frequently are these types of yogurts offered?
**New York City Response:** These types of yogurts are offered weekly.

c. Are these types of yogurts popular with participants? Are they more popular than regular yogurt?
**New York City Response:** Students prefer fruit flavored yogurts of all types.

3. Has high-protein yogurt available via USDA Foods in Schools helped School Program operators offer high protein yogurt to participants?

**New York City Response:** Yes, currently NYC Public Schools receives high protein yogurt exclusively from USDA Foods in Schools.

a. Is high-protein yogurt incorporated into meals, particularly breakfast, in the same manner as traditional yogurt? Please share examples of how high-protein yogurt is used in menus and/or recipes; are traditional and high-protein yogurt used interchangeably or are there novel uses for high-protein yogurt in school meals?

**New York City Response:** Along with offering high protein yogurt at breakfast, lunch and snack, high-protein yogurt, because of its thickness, may be used as a base ingredient to make sauces and dressings.

Additional benefits of using high protein yogurt are greater product availability, increased menu flexibility, creating culturally diverse recipes and providing different consistencies for students with oral-motor challenges.

***Potential Alternatives*** **[page 104970]**

1. Should FNS create a separate crediting standard for high-protein yogurt that is different than the crediting standard for regular yogurt? Why or why not?

**NYC Response:**
Yes, there should be a separate crediting standard for high-protein yogurt that is different than the crediting standard for regular yogurt. Currently, to credit yogurt as a reimbursable component at lunch, requires serving two-4 oz yogurt, which each credit as a 1 oz meat/meat alternate equivalent (M/MA eq). If high protein yogurt credits as 2 M/MA eq, this would align with efforts to reduce dairy purchases and have a cost saving advantage.

2. If high-protein yogurt contributes differently to the CNP meal patterns than regular yogurt, how should high-protein yogurt be credited? Be as specific as possible, such as the volume or weight needed.

**NYC Response:**
High-protein yogurt crediting should align with products that have comparable protein content, such as cottage cheese or ricotta which credit as a 1 oz M/MA eq per 2 oz serving (1/4 cup) in the USDA Food Buying Guide. We propose that 4 oz of high-protein yogurt credit as 2 oz M/MA eq. To complement this, we propose that the USDA Food Buying guide have a distinction between regular yogurt and high-protein yogurt for crediting.

3. If high-protein yogurt were to contribute differently to the CNP meal patterns than regular yogurt, should FNS adopt FDA's definition of "high" for nutrient content claims used on food labels to define high-protein yogurt?

**New York City Response:** Yes, using the FDA definition of "high" for nutrient content would be helpful to identify that these products have a higher-protein content than regular yogurt.

b. Should yogurt that is thickened by adding thickening agents (e.g., polysaccharides or optional dairy ingredients) credit differently in CNPs? If yes, what implications might that approach have on the requirement for Program operators to plan CNP menus using food-based menu planning?

**New York City Response:** No, yogurt, that is thickened by adding thickening agents should not credit differently in CNPs as thickening agents do not impact a product's nutrition profile.

c. Should changes include plant-based yogurt alternatives (e.g., soy-based yogurt alternatives)?
**New York City Response:** Yes, the changes should also include soy-based yogurts which are the USDA CNP approved dairy-alternate.

Thank you for allowing public comment on this important topic.

Sincerely,

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New York City Department of Health and Mental Hygiene

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Kate MacKenzie, MS, RD

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[1] Food Standards Compliance Report 2024. Mayor's Office of Food Policy. Food Standards Compliance 2024.
[2] DOE Data at a Glance. NYC Department of Education. https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance
[3] Meals and Snacks Purchased and Served. New York City Food Standards. New York City Food Standards - Meals and Snacks Purchased and Served (nyc.gov)

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[7] Hashem KM, Burt HE, Brown MK, MacGregor GA. Outcomes of sugar reduction policies, United Kingdom of Great Britain and Northern Ireland. Bull World Health Organ. 2024 Jun 1;102(6):432-439. doi: 10.2471/BLT.23.291013. Epub 2024 Mar 27. PMID: 38812797; PMCID: PMC11132159.

[8] World Health Organization. 2023. Use of non-sugar sweeteners. WHO Guideline. ISBN: 978-92-4-007361-6.
[9] 2025 Dietary Guidelines Advisory Committee. 2024. Scientific Report of the 2025 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Health and Human Services and Secretary of Agriculture. U.S. Department of Health and Human Services. https://doi.org/10.52570/DGAC2025