

District Policy Restricting the Advertising of Food and Beverages Not Permitted to be Sold on School Grounds

Developed by the National Policy & Legal Analysis Network to
Prevent Childhood Obesity (NPLAN)

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1. Purpose And Goals

In furtherance of the District's goals to provide high-quality educational services, create and maintain a school environment focused on learning, protect and promote students' health and welfare, and minimize the commercial exploitation of its students, it is the policy of the District to create and maintain a learning environment that minimizes commercial distractions.

The District knows that students' health-related choices are influenced by many factors, but that advertising plays a key role in their decision making. The District endeavors to teach students how to make informed choices about nutrition, physical activity and health. Those efforts can be impeded if students are subjected to advertising on District property that contains messages contrary to, or inconsistent with the health information contained in the District's curriculum.

Further, by adopting this policy, the District avoids any impression that it endorses or condones the consumption of advertised foods and beverages or the messages contained in any advertisements.

2. Policy

It is the policy of the District to maintain exclusive authority and control over all advertising on District property, and in exercising that control, the District shall:

- Restrict third parties from placing or conveying Food Advertising on School Grounds, regardless of point of view, unless the Food Advertising is for products that (1) meet the standards set forth in the Wellness Policy or (2) are included in the list of items that can be served or sold on school grounds, as that list may be promulgated or amended from time to time by the District.
- Decline to enter into or renew a contract or agreement in which the District permits third parties to place or convey Food Advertising on School Grounds, unless the Food Advertising is for products that (1) meet the standards set forth in the Wellness Policy or (2) are included in the list of items that can be served or sold on school grounds, as that list may be promulgated or amended from time to time by the District.
- Include in any contract or agreement that permits the placement or conveyance of Food Advertising on School Grounds, contract terms that:
 - a. Expressly provide that the vendor voluntarily agrees to and waives any right to challenge the restrictions on advertising;

- b. Creates a deterrent, such as the inclusion of an indemnity clause on behalf of the District, for the vendor to fund or otherwise encourage a third party to challenge the advertising restrictions.
- c. Expressly provides that failure of the vendor to comply with the advertising restrictions is a material breach of the contract.

3. Definitions

Food Advertising: Food Advertising means an oral, written, or graphic statement made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product. This term includes, but is not limited to the following:

- Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
- Displays, such as on vending machine exteriors.
- Corporate brand, logo, name, or trademark on school equipment, such as marquees, message boards, scoreboards, backboards, or uniforms.
- Corporate brand, logo, name, or trademark on cups, posters, book covers, pupil assignment books, school supplies, or educational materials.
- Advertisements in school publications or school mailings.
- Broadcasts on school radio stations, in-school television, computer screensavers, school-operated or -sponsored websites or servers, or the school public announcement system.
- Free product samples, taste tests, or coupons of a product, or free samples displaying advertising of a product.
- Educational incentive programs such as contests that use food as a reward, or programs that provide schools with supplies or funds when families purchase specific food products.
- Sponsorship of school activities, fundraisers, sports teams, or market research.

School Grounds: School grounds means any property and facilities owned or leased by the school and used at any time for school-related activities, including, but not limited to, school buildings, school buses, areas adjacent to school buildings, athletic fields and parking lots.