



**North Carolina Department of Health and Human Services  
Division of Public Health – Women’s & Children’s Health Section**

1914 Mail Service Center • Raleigh, North Carolina 27699-1914

Tel 919-733-2973 • Fax 919-733-1384

Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

**CACFP 04-09  
SFSP 04-04**

**March 12, 2004**

**TO: Institutions Participating in the Child and Adult Care Food Program  
Summer Food Service Program Sponsors**

**FROM: Arnette Cowan, MS, RD, LDN  
Head, Special Nutrition Programs**

**SUBJECT: Foods of Minimal Nutritional Value – Water Ice and Soda Water (Policy No.  
210.11-14, 220.8-06, 225.16-18, & 226.20-30)**

This memo is to clarify what constitutes a “water ice” and “soda water” under foods of minimal nutritional value (7 CFR 210, 220, and Appendix B to Part 210, 220 for the National School Lunch, School Breakfast Program and 7 CFR 225.16, 226.20 for the Summer Food Service Program and the Child and Adult Care Program). There have been questions about various products and whether they are considered in one of these two categories of Foods of Minimal Nutritional Value (FMNV). A food that is considered as a “water ice” or as “soda water” cannot be sold in competition with program meals.

Water ices include foods that are artificially or naturally flavored with non-fruit or non-fruit juice flavorings. However, a frozen product with fruit or fruit juice or with milk or milk products is not classified as a water ice. Further, unless exempted as allowed under Appendix B to Part 210, all soda waters, which include all carbonated beverages, are considered a FMNV.

Therefore, unless the following types of products have an exemption for a specific product, they are considered FMNV:

- Frozen, water-based bars – water ices
- Frozen coffee/tea drinks – water ices
- Partially frozen drinks – water ices
- Frozen pickle juice/brine – water ice
- Soda water floats – soda water; while these items contain ice cream, which is not a FMNV, the main ingredient is soda water.

Should you have any questions regarding this matter, please contact your regional consultant.

cc: SNP Staff  
Auditors

