



**NEW JERSEY DEPARTMENT OF AGRICULTURE  
DIVISION OF FOOD AND NUTRITION  
CHILD AND ADULT CARE FOOD PROGRAM**

MEMO#: 11-9 CCFP, 11-12 FDC, AFP 12-7 Fluid Milk Substitution  
ISSUE DATE: JUNE 2011

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**NUTRITION REQUIREMENTS FOR FLUID MILK AND FLUID  
MILK SUBSTITUTIONS IN CACFP INSTITUTIONS**  
*(Including Q&As)*

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modified requirements for fluid milk and fluid milk substitutions in the Child and Adult Care Food Program (CACFP). The purpose of this memorandum is to provide guidance on the implementation of these provisions.

Section 221 of the Act amends section 17(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(g)) by requiring that fluid milk served in the CACFP be consistent with the most recent version of the Dietary Guidelines for Americans and allowing the substitution of non-dairy beverages that are nutritionally equivalent to fluid milk in cases of special dietary needs. This provision in the law requires **all CACFP institutions to serve low-fat or fat-free milk, which includes adult day care facilities.**

**Fat-Free and Low-Fat Milk**

Milk served in the CACFP must be consistent with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines recommend that persons over two years of age consume fat-free (skim) or low-fat (1%) fluid milk. Therefore, fluid milk served in CACFP to participants two years of age and older must be: fat-free or low-fat milk, fat-free or low-fat lactose reduced milk, fat-free or low-fat lactose free milk, fat-free or low-fat buttermilk, or fat-free or low-fat acidified milk. Milk served must be pasteurized fluid milk that meets State and local standards, and may be flavored or unflavored. Whole milk and reduced-fat (2%) milk may not be served to participants over two years of age.

Because the Dietary Guidelines for Americans do not address milk served to children *under* the age of two, our requirements relating to children in this age group are unchanged at this time.

**Non-dairy Beverages**

In the case of children who cannot consume fluid milk due to medical or other special dietary needs, other than a disability, non-dairy beverages may be served in lieu of fluid milk. The requirements related to milk or food substitutions for a participant who has a medical disability and who submits a medical statement signed by a licensed physician remain unchanged.

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Parents or guardians may now request in writing non-dairy milk substitutions without providing a medical statement. *As an example, if a parent has a child who follows a vegan diet, the parent can submit a written request to the child's caretaker asking that soy milk be served in lieu of cow's milk.*

**Written requests must identify the medical or other special dietary need that restricts the diet of the child. Such substitutions are at the option and the expense of the facility.**

The Nutrition Facts Label on food products may not list all the required nutrients. Therefore, you will need to request documentation from the product manufacturer to confirm the presence of all required nutrients at the proper level as listed below.

#### **Milk Substitute Nutrition Standards**

<b>Nutrient</b>	<b>Per Cup</b>
Calcium	276 mg
Protein	8 g
Vitamin A	500 IU
Vitamin D	100 IU
Magnesium	24 mg
Phosphorus	222 mg
Potassium	349 mg
Riboflavin	.44 mg
Vitamin B-12	1.1 mcg

An approved list of soy milks that meet the nutritional standards for milk may be obtained by visiting the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) website and entering the following WEB address into the address box of your WEB browser  
(*scroll down to paragraph VI*):

<http://www.fns.usda.gov/wic/policyandguidance/wicfaqs-foodpackages.htm#VI>

For guidance or assistance to help identify acceptable products or potential manufacturers, contact your child nutrition specialist at (609) 984-1250.



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**NUTRITION REQUIREMENTS FOR FLUID MILK AND FLUID MILK  
SUBSTITUTIONS IN CACFP INSTITUTIONS  
Q&As**

**A. NON-DAIRY MILK SUBSTITUTIONS**

**1. Is a caregiver required to provide a non-dairy milk substitute if it is not related to a medical disability?**

No. It is at the caregiver's discretion to provide a non-dairy milk substitute if it is not related to a medical disability.

**2. Will caregivers receive additional meal reimbursements if they provide a non-dairy milk substitution?**

No. All non-dairy milk substitutions are at the expense of the caregiver and/or the child's parent or guardian.

**3. If a parent provides a creditable non-dairy milk substitute, can the caregiver serve it and still receive reimbursement?**

Yes. If a parent provides a non-dairy milk substitute that meets the nutritional standards as outlined in 7 CFR 210.10(m)(3) and that has been approved by the State agency, the caregiver may serve the non-dairy milk substitute and still claim reimbursement for the meal.

**4. If a parent or adult participant can request a non-dairy milk substitute that is equivalent to cow's milk, can the parent or adult participant also request that their child or themselves be served whole or reduced-fat (2%) milk?**

No. The Act requires that milk served to children and adults in the CACFP be aligned with the most recent version of the Dietary Guidelines for Americans. The 2010 Dietary Guidelines for Americans recommends that persons over the age of two consume low-fat (1%) or fat-free (skim) milk. Therefore, any request for higher fat milk must be made through a medical statement, related to a medical disability, and prescribed by a licensed physician

## **B. COMPLIANCE**

- 5. What if the parent agrees to provide the non-dairy substitute, but brings in one that does not meet the USDA's nutritional standards; can the caregiver serve it and still receive reimbursement?**

Caregivers should inform parents about the types of creditable non-dairy milk substitutes. If a non-dairy milk substitute is served that does not meet the nutritional standards outlined in 7 CFR 210.10(m)(3), then the meal is not reimbursable.

- 6. Do caregivers need to document the type of milk that they serve?**

Yes. It is the responsibility of the sponsor to ensure that the correct type of milk is served, documented and maintained on file as verification that this provision has been properly implemented.

- 7. What type of milk may one-year-old children be served?**

The milk requirements for children one year of age remain unchanged at this time. It is recommended, but not required, that children 12 through 23 months of age be served whole milk only.

- 8. If one-year-old and two-year-old children sit together for the same meal, must they be served different types of milk?**

Children older than two must be served low-fat (1%) or fat-free (skim) milk and it is recommended that children one year of age be served whole milk. Providers must ensure that participants of various ages seated at the same meal receive the appropriate type and portions of milk.

- 9. What happens if a caregiver serves reduced-fat (2%) or whole milk on or after October 1, 2011?**

Effective October 1, 2011, meals served to participants two years of age and older that include reduced-fat (2%) or whole milk are not reimbursable and must be disallowed. In addition, the provider should submit a corrective action plan and the State agency or sponsor organization of facilities are required to follow-up to ensure that it has been successfully implemented.

## **C. ADULT PARTICIPANTS**

- 10. Must adult participants in the CACFP be served 1% or fat-free milk only?**

Yes. The provision in the law [42 USC §1766(g)] requires all CACFP institutions to serve low-fat or fat-free milk, which includes adult day care facilities.

- 11. Can adult participants submit a written request for a non-dairy milk substitution?**

Yes. Adult participants, or their caregivers, may request in writing a non-dairy milk substitute that meets the nutritional standards as outlined in 7 CFR 210.10(m)(3) and that has been approved by the State agency.