



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

JAN 14 2008

John Howard
Pickle Sickle
228 Windwood Circle
Seguin, TX 78155

Dear Mr. Howard:

We have received your December 7, 2007, letter requesting clarification on whether your Pickle Sickle Pickle Juice Popsickles are considered a "food of minimal nutritional value" as defined in 7 CFR Part 210.11 (a)(2) and Part 220.2 (i-1).

Foods of minimal nutritional value for exemption purposes are limited to the following categories: 1) Soda Water, 2) Water Ices, 3) Chewing Gum, and 4) Certain Candies. After careful review of your product ingredient listing and production process we have determined that your product does not fit into one of the above categories.

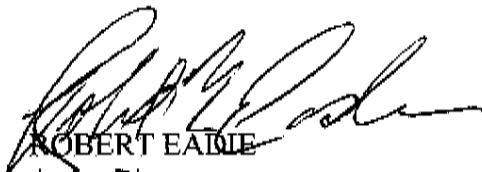
Therefore, the Department of Agriculture does not prohibit the sale of the above product as an a la carte item in a school food service area during meal periods. However, State agencies and school food authorities maintain the final right to restrict such sales.

The competitive foods regulation specifies that State agencies and school food authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with the meal. In addition, the regulation states that the sale of competitive foods may, at the discretion of the State agency or school food authority, be allowed in the food service area during school meals only if all income from such sales accrues to the benefit of the nonprofit school food service or the school or student organization approved by the school.

This letter refers only to the Federal regulation. States and local school districts may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools.

Please contact my staff at (703) 305-2609, if any further clarification is needed.

Sincerely,



ROBERT EADIE
Acting Director
Child Nutrition Division