APPENDIX B TO PART 220—CATEGORIES OF FOODS OF MINIMAL NUTRITIONAL VALUE

(1) Soda Water—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 69 °F. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.

(2) Water ices. As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices which contain fruit or fruit juices are not included in this definition.

(3) Chewing gum. Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.

(4) Certain candies. Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:

(a) Hard candy. A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, licorice, and cough drops.

(b) Jellies and gums. A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

(c) Marshmallow candies. An aerated confection composed of sugar, corn syrup, invert sugar, 20% water and gelatin or egg white to which flavors and colors may be added.

(d) Fondant. A product consisting of microscopically sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution such as candy corn, soft mints.

(e) Licorice. A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.

(f) Spun candy. A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

(g) Candy coated popcorn. Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.
SCHEDULE FOR AMENDING APPENDIX B

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<th>Actions for publication</th>
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| Deadline for receipt of petitions by USDA. USDA to notify petitioners of results of Departmental review and publish proposed rule (if applicable).
| Feb. 1 ................ Aug. 1. |
| Feb 1 through Apr. 1. May 1 .............. Nov. 1. |
| Aug. 1 through Oct. 1. |

Written petitions should be sent to the Chief, Technical Assistance Branch, Nutrition and Technical Services Divisions, FNS, USDA, Alexandria, Virginia 22332 on or before November 15 or May 15 of each year. Petitions must include all information specified in §§210.15(b)(1) or (2), and 220.12(b)(1) or (2) as appropriate.

Editorial Note: At 78 FR 39093, June 28, 2013, appendix B was amended by adding paragraph (c); however, the amendment could not be incorporated due to inaccurate amendatory instruction. For the convenience of the user, the added text is set forth as follows:

APPENDIX B TO PART 220—CATEGORIES OF FOODS OF MINIMAL NUTRITIONAL VALUE.

| * | * | * | * | * | *

(c) Appendix B remains in effect through June 30, 2014.

APPENDIX C TO PART 220—CHILD NUTRITION (CN) LABELING PROGRAM

1. The Child Nutrition (CN) Labeling Program is a voluntary technical assistance program administered by the Food and Nutrition Service (FNS) in conjunction with the Food Safety and Inspection Service (FSIS), and Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture (USDA), and National Marine Fisheries Service of the U.S. Department of Commerce (USDC) for the Child Nutrition Programs. This program essentially involves the review of a manufacturer’s recipe or product formulation to determine the contribution a serving of a commercially prepared product makes toward meal pattern requirements and a review of the CN label statement to ensure its accuracy. CN labeled products must be produced in accordance with all requirements set forth in this rule.

2. Products eligible for CN labels are as follows:
   (a) Commercially prepared food products that contribute significantly to the meat/meat alternate component of meal pattern requirements of 7 CFR 210.10 or 210.10a, whichever is applicable, 225.21, and 226.20 and are served in the main dish.
   (b) Juice drinks and juice drink products that contain a minimum of 50 percent full-strength juice by volume.

3. For the purpose of this appendix the following definitions apply:
   (a) "CN label" is a food product label that contains a CN label statement and CN logo as defined in paragraph 3(b) and (c) below.
   (b) The “CN logo” (as shown below) is a distinct border which is used around the edges of a “CN label statement” as defined in paragraph 3(c).

(c) "The ‘CN label statement’ includes the following:

1. The product identification number (assigned by FNS),