



# Health



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A Guide to Healthy Small Food Retailer Certification Programs



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Law & policy innovation for the common good.



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# What Is a Healthy Small Food Retailer Certification Program?



**In most communities, corner stores, convenience stores, and gas stations are a common part of the retail landscape. They are places to grab a snack, get a quick meal, pick up a newspaper, get basic household or car supplies, and, in some cases, fill up the gas tank. In many areas, both urban and rural, these stores are the only nearby places to buy food. They may also provide easy access to tobacco and alcohol, particularly for youth. And if they fall into disrepair or attract vandalism, they can contribute to blight in the community.**

Herein lies both the opportunity and the challenge of working with small retailers: these stores can be seen as nuisances, or they can be seen as potential contributors to healthy communities and vital neighborhoods. Communities around the country have begun working with corner stores, bodegas, and rural markets to make changes that improve their food offerings and the store environment. Often, these efforts are bundled together into healthy food retailer programs.

Healthy small food retailer programs\* come in many shapes and sizes. Some focus on a single neighborhood, others on an entire community, county, or even state. The program might be run by a local or state health department or by a private community-based organization. Programs offer a range of materials and services to stores – from refrigeration equipment to technical assistance to vouchers for free fruits and vegetables. Some programs ask that stores agree to offer certain healthy options and clean up their façades in exchange for these benefits. Other programs are less formal and require no official commitment from a store beyond a friendly handshake.

Healthy small food retailer certification programs are the most structured of these programs. Food retailers apply to the program, agree to meet defined standards, and in exchange receive benefits, including free publicity and help implementing healthy changes. Certification involves a formal contract between the store owner and the organization or agency running the program and some degree of monitoring of the store owner’s compliance with the standards.

\*Throughout this toolkit, we use the term *small food retailer* to describe food stores that have limited physical space and limited selection of food. Different communities will have different names for these stores, including corner stores, convenience stores, gas stations, dollar stores, and grocers.



\*A more common term for this type of program is *healthy corner store certification program*. Since corner stores are more commonly associated with urban areas, we use the term *small food retailer* to be more inclusive of suburban and rural communities.

By establishing a healthy small food retailer certification program,\* government agencies and community-based organizations can support and give incentives to food retailers who are willing to sell healthy foods.

Improving diets and reducing obesity rates require many different strategies that address food access, food retailer operations, nutrition literacy, and social norms about eating. Healthy small food retailer certification is a win-win-win approach to improving community health. Participating stores get free publicity and community support for increasing revenue from healthy food sales. Community members gain access to healthier food choices and information about nutrition. And the organization or agency sponsoring the initiative creates positive relationships with local businesses, which can lead to future collaboration to benefit the public's health. As with any public health intervention, a certification program should be part of a larger chronic disease prevention framework that addresses all aspects of community health, from individual behavior change to policy change.

The success of a healthy small food retailer certification program can demonstrate to businesses and elected officials that residents want healthier choices in their neighborhoods, making the case for future local policies that reduce unhealthy food options and incentivize healthy ones.

## What's in This Toolkit?

This toolkit describes how to create a strong healthy small food retailer certification program that requires participating stores to increase the variety of healthy foods they sell, reduce the offerings of unhealthy foods, and proactively market healthy options with help from a sponsoring agency or organization. It provides step-by-step instructions for developing a certification program, with numerous ideas and examples from existing programs.

We interviewed program coordinators from ten healthy food retailer programs across the United States, including both rural and urban areas.\*\* We also conducted a literature review to learn what works and what doesn't in these retail interventions. All of this information fed into our recommendations for a model program. We also developed a model contract based on the model program recommendations (Appendix A).

This toolkit is for anyone who might start a certification program at the local level, including staff of private community-based organizations or public health agencies. Community-based organizations often have deep roots in specific neighborhoods, strong connections to philanthropies, and nutrition expertise. Health departments often have nutrition education funding, staff experience with designing nutrition programs, evaluation capacity, and connections to other agencies and community-based organizations that can provide support. Half of the programs that we analyzed operated out of a local health department. The other half operated from a private nonprofit organization, such as a YMCA, university, or food policy group.



\*\*Rather than provide a citation to every example obtained through these interviews, we provide an appendix listing key informants and dates of interviews for each program. Unless otherwise noted, program examples come from these interviews.

We crafted a model program that is strong from a public health perspective and requires robust staffing and funding. However, we recognize that for many communities this program will not be feasible as a first step. Program designers should customize these recommendations to meet specific needs and to ensure that stores in the most underserved areas can become partners in improving the community's health.

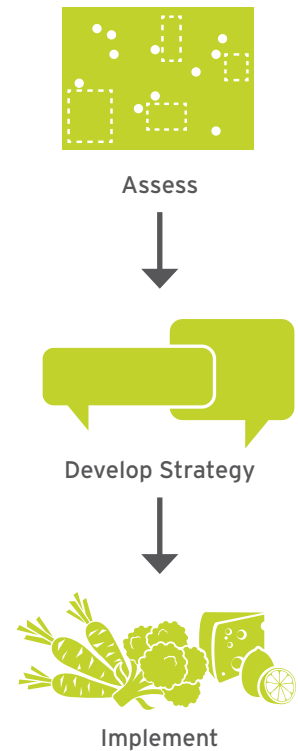
## Is a Healthy Food Retailer Program Right for My Community?

Communities have at their disposal many strategies to improve the food environment. Community members, public health department staff, and elected officials should thoroughly understand the current status of the entire food environment, not just the retail environment, before they propose a particular solution. A common way to evaluate the food environment is to perform a food system assessment – an extensive study of how the community gets its food, from farm to fork, including production, processing, distribution, consumption, and even waste disposal.<sup>1</sup>

Many communities do not have the time, money, or capacity to take on such a comprehensive study of the food system. A focused assessment to understand the food retail environment in specific neighborhoods or the entire community can still be illuminating. Even this focused approach can have different scopes – from a simple mapping exercise to identify food retailers to in-depth assessments of the availability and pricing of specific foods at each retailer. Regardless of the scope, community members should be highly engaged in, if not leading, the process. This engagement ensures that the results reflect the true needs of residents.

Providing detailed guidance on conducting food system assessments is beyond the scope of this toolkit. However, we encourage groups interested in starting a healthy retailer certification program to seek out tools and resources that will help them understand the existing landscape of food access in their community. For a selection of these types of resources, see page 69.

Once a community has a clear picture of the opportunities and challenges to food access, the next step is to develop a strategy for improving the food environment. The strategy will likely include a mix of policies and programs that address the needs identified by the food system assessment and build on community assets. A healthy food retailer program may be identified as a shorter-term solution to bring healthy food into neighborhoods or areas not served by a full-service grocery store. The strategy may also include complementary longer-term policy goals, such as providing economic development incentives to attract grocery stores to the underserved areas. The following chart provides brief criteria for when different healthy food retail strategies might work. Contact ChangeLab Solutions for assistance in selecting the right mix of strategies for your community.



## Program or Policy?



A **PROGRAM** is a system implemented by a government agency or nongovernmental organization that provides a service to a particular population of people.

Programs can be resource-intensive, requiring staff, community outreach, and funding. For maximum impact, public health departments must attempt to reach every person who is at risk for a particular disease. And the program must be funded for as long as the public health threat exists.



A **POLICY** is a law, procedure, or standard that dictates how government operates, how citizens live, or how businesses and organizations operate.

Public health policies may be more efficient interventions because they generally reach more people and change the environmental factors that contribute to disease. Policies tend to institutionalize ideas for the long term, while programs are often more vulnerable to elimination when budgets are tight or agency officials change.

Both programs and policies are common public health interventions. For example, public health departments offer nutrition education programs to teach people how to eat more nutritious foods. All states and many communities pass public health policies intended to protect their residents from public health threats, such as food-borne illnesses or diabetes.

Healthy food retailer certification is a program designed to improve the nutritional quality of food available in a community. Our model program includes elements that make it a strong program, such as enforceable agreements between the program sponsor and participating stores and periodic compliance checks. However, it requires funding and staffing. Public health stakeholders may choose this approach as a first step toward policies that institutionalize the community's desire to restrict access to junk food, such as licensing laws that establish minimum operating standards for small retailers.



Strategy	When it might work...
<p><b>Healthy small food retailer certification program</b></p> <p>Offer incentives to food retailers in exchange for meeting defined standards.</p>	<ul style="list-style-type: none"> <li>▶ Neighborhood or community with many locally owned small food retailers that offer little to no healthy food</li> <li>▶ Government agency or community-based organization obtains funding to develop and run program</li> <li>▶ Strong working relationships among government agencies and community groups</li> </ul>
<p><b>Healthy food retailer licensing ordinance</b></p> <p>Require all food retailers to meet minimum nutrition and other health-related standards in order to obtain an operating license. Additional incentives can be offered for exceeding minimum standards.</p> <p>See our model ordinance at:  <a href="http://www.changelabsolutions.org/publications/HFR-licensing-ord">www.changelabsolutions.org/publications/HFR-licensing-ord</a></p>	<ul style="list-style-type: none"> <li>▶ Neighborhood or community with many small food retailers that offer little to no healthy food</li> <li>▶ Larger community where it would be difficult for an organization or agency to reach out to every eligible retailer</li> <li>▶ Community with a public health department with capacity to enforce the ordinance</li> <li>▶ Community with political will to pass regulatory policies</li> </ul>
<p><b>Grocery store attraction strategies, including incentive policies and financing programs offer tax credits, low-cost financing, and other incentives to attract new grocery stores to underserved neighborhoods</b></p> <p>See our healthy food retail attraction resources:</p> <p><i>Green for Greens: Finding Public Financing for Healthy Food Retail</i>  <a href="http://www.changelabsolutions.org/publications/green-for-greens">www.changelabsolutions.org/publications/green-for-greens</a></p> <p><i>Getting to Grocery: Tools for Attracting Healthy Food Retail to Underserved Neighborhoods</i>  <a href="http://www.changelabsolutions.org/publications/getting-grocery">www.changelabsolutions.org/publications/getting-grocery</a></p>	<ul style="list-style-type: none"> <li>▶ Neighborhood or community with no or an insufficient number of full-service grocery stores</li> <li>▶ Community with agencies or organizations that have capacity to obtain state or federal economic development assistance</li> <li>▶ Community with strong economic development and/or redevelopment agency or other business attraction capacity</li> </ul>

A community making its first foray into the food retail environment should not embark on a full-scale certification program. As discussed in this section, the first step should be a thorough assessment of the food retail environment or, if resources allow, the entire food system. If small food stores are identified as a target for improvement, communities should implement a pilot project with one or two stores to build relationships with retailers and neighbors, understand the challenges of selling healthy food, test store certification standards, experiment with promoting the program, and estimate the cost of a full-scale program.

Some communities may already have a healthy retailer effort under way, such as a healthy store pilot project or technical assistance program for small retailers who want to offer healthy food. A healthy food retailer certification program could be a way to combine these efforts into one comprehensive program, increase visibility for healthy food retailers, and gain new government and community partners. The relationships formed through these initial efforts will make it much easier to implement a full-scale program.

# Why Focus on Small Food Retailers?



The problems of limited food access, obesity, hunger, and poor nutrition loom large in many low-income areas. Elected officials, government staff, and even community members may question whether focusing on small food retailers is a big enough solution to these serious issues.

When making the case for a food retailer policy or program, it is important to provide evidence demonstrating the link between the retail environment and health. In this section, we provide a series of arguments for healthy food retailer interventions with supporting evidence. These arguments can be used in fact sheets, talking points, grant applications, and other program materials.

**Low-income neighborhoods have more small food retailers than high-income neighborhoods.**

- ▶ Low-income areas have more than twice as many convenience stores and four times as many small grocery stores as high-income areas.<sup>2,3</sup>
- ▶ Small food stores tend to sell little fresh produce, whole grains, and low-fat dairy products.<sup>4</sup> These stores commonly sell highly processed foods that are high in fat and low in nutrients.<sup>5</sup>
- ▶ Small stores tend to charge higher prices for their food as compared with grocery stores and supermarkets.<sup>6</sup>

**Small food retailers congregate near schools and attract schoolchildren.**

- ▶ More than 40 percent of elementary school students in one study shopped at a corner store twice a day, often purchasing chips, candy, and soda.<sup>7</sup>
- ▶ Hispanic youth are more likely to attend schools with convenience stores and snack stores within 1,300 to 2,600 feet.<sup>8</sup>
- ▶ Another study found that low-income African-American youth shop at corner stores an average of twice a week, with chips, candy, and soda being the most commonly purchased food items.<sup>9</sup>



**Small food stores that do not sell healthy food have a negative effect on the diets and health of nearby residents.**

- ▶ A high number of convenience stores per capita is associated with higher rates of mortality, diabetes, and obesity.<sup>10</sup>
- ▶ Proximity to convenience stores within a neighborhood is associated with higher rates of obesity and diabetes.<sup>11</sup> The impact of convenience stores on health is even greater in low-income neighborhoods.<sup>12</sup>
- ▶ Teenagers who live near convenience stores have higher BMIs and consume more sugar-sweetened beverages than those who live farther away.<sup>13</sup>

**People who live closer to stores that sell healthy food have better diets.**

- ▶ African-Americans who live near a supermarket are more likely to meet the Dietary Guidelines for Americans recommendations for fruit, vegetable, fat, and saturated fat intake. Each additional supermarket within close proximity increases fruit and vegetable consumption by over 30 percent.<sup>14</sup>
- ▶ Supplemental Nutrition Assistance Program (SNAP) participants who live more than five miles from their primary grocery store consume significantly less fruit than SNAP participants who live within one mile.<sup>15</sup>
- ▶ Pregnant women who live far away from a supermarket are more than twice as likely not to eat recommended amounts of grains, vegetables, fruits, folate, iron, and calcium.<sup>16</sup>
- ▶ The amount of shelf space dedicated to fruits and vegetables at neighborhood food stores is positively associated with greater consumption of fruits and vegetables among residents nearby.<sup>17, 18</sup>

**Small food store interventions show promise in increasing healthy food sales, improving store offerings, and promoting good nutrition.**

- ▶ A small food store intervention in Baltimore increased the stocking and sales of healthy food items participating in the program.<sup>19</sup>
- ▶ Point-of-purchase nutrition promotion through shelf labels and signs that identify healthy options increase consumer knowledge about nutrition and increase sales of fruits and vegetables.<sup>20</sup>
- ▶ Improving the location of produce in a small food store increases sales.<sup>21</sup>
- ▶ A review of small food store program evaluations found that programs increase sales of healthy foods and increase customer knowledge about healthy products.<sup>22</sup>

# Strong Partnerships for a Strong Program



Cross-sector partnerships are key to the success of any community food initiative. For healthy food retailer certification programs, partnerships among government agencies and community-based organizations serve three main purposes: they encourage buy-in from community residents, businesses, and stakeholders; they improve the chances for program success and acceptability; and they enlarge the scope of resources and expertise available.

Partners can include city and county government agencies and departments, state agencies and departments, local businesses, nonprofit organizations, community health partnerships, universities, K-12 schools, and store owner associations.



## Local Government

Some communities have a **food policy director or coordinator** who oversees food-related initiatives on behalf of the local government. This person is an excellent source of information about existing food access initiatives, potential partners in the community, and food system data.

**Local elected officials** can support the program by promoting it to their constituents and, in some cases, co-sponsoring or funding part of the program. The **mayor's office** can be a partner in promoting healthy eating by co-sponsoring or promoting the program as part of a citywide health and economic opportunity initiative.

**EXAMPLE** *Louisville's Healthy in a Hurry Corner Store Initiative is part of the Mayor's Healthy Hometown Initiative. Similarly, New York City's Shop Healthy NYC (a project that expands on the original Healthy Bodegas Initiative) is funded by Mayor Bloomberg's Center for Economic Opportunity.*



The **mayor's office of economic and workforce development** can facilitate access to façade and other physical improvements for participating stores. These offices can also provide small business development services and training opportunities for store owners as incentives for participating in healthy small food retailer efforts.

**Local economic development departments** can work with public health advocates to promote the program to stores in areas in need of economic investment and revitalization. An economic development agency generally oversees activities related to attracting and retaining businesses and revitalizing neighborhood commerce. This department also may be able to help fund the program, since one goal of recognition programs is to support local businesses.

**Local redevelopment agencies** can also provide funding and support for healthy small food retailer programs when food desert areas overlap with redevelopment project areas.

**Local departments of environment** can advise the program on green business practices to include in the certification standards; support recycling, composting, and energy-efficiency efforts among retailers; and help promote the program.

**Local agriculture cooperative extension offices** can provide assistance with in-store promotional activities, including cooking demos and nutrition education classes, and help connect the program and retailers to local food producers.

## State Government

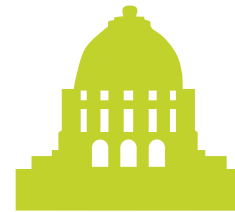
**State health departments** can connect local health departments to funding as part of statewide healthy eating initiatives.

**EXAMPLE** *In California, Sonoma County's Healthy Food Outlet Project has a relationship with the Network for a Healthy California, a program funded by the USDA Supplemental Nutrition Assistance Program (SNAP) and operated by the state health department, to distribute free "Harvest of the Month" point-of-purchase signs to advertise seasonal, local produce.*

**State departments of agriculture** can provide connections to regional food producers, access to rural or agriculture loan and grant programs, and marketing support for agricultural products.

Similar to their local counterparts, **state economic development agencies** can identify financial support for certified retailers, offer special consideration for economic development programs to certified retailers, and help identify funding for the overall program.

**State Women, Infants and Children (WIC) program staff** can help facilitate relationships with existing WIC stores and advise the certification program coordinator on signing up new stores to accept WIC.





## Universities

**Universities** – and, in particular, **public health schools** – can assist healthy small food retailer programs in a number of important ways. Public health faculty can evaluate the program’s impact, and students can conduct in-store assessments to identify stores in need of improvement. In places like Baltimore, public health faculty have been integral to the design of the healthy food retailer program. University partnerships can also enhance the overall effectiveness and evidence base for healthy small food retailer programs. This in turn can improve opportunities for funding and recognition as well as advance healthy small food retailer work nationally.

**EXAMPLE** *In Hartford, the University of Connecticut’s Center for Public Health and Health Policy was a critical partner in evaluating the success of the Healthy Food Retailer Initiative. The results of this evaluation led to a significant change in scope and strategy during the second phase of the initiative, in which they are targeting fewer stores with more in-depth relationships.*



## Businesses and Organizations

**Local businesses** can offer in-kind assistance to public health departments or stores. For example, store shelving and equipment suppliers could offer a special discount to certified retailers. Print shops could provide discounted printing for program materials in exchange for small advertisements on the materials.

**Publicity and marketing companies** can assist with promotional materials and creation of a healthy brand or logo to promote participating stores.

**Registered dietitians** can provide guidance on developing a healthy product list for store owners and provide in-store nutrition education sessions to promote healthy store changes.

The local **chamber of commerce** can promote the program among local businesses. Membership within the chamber of commerce can also be an incentive to store owners.

**Nonprofit food justice and hunger relief organizations** can connect stores to locally grown produce and local growers’ networks. These organizations can also connect the program to existing community education resources on food access, nutrition, and health.

**EXAMPLE** *The New York City Department of Health and Mental Hygiene partnered with City Harvest, a nonprofit food rescue and hunger organization, to provide in-store cooking and nutrition workshops as part of the Healthy Bodegas Initiative.*

**Neighborhood associations, community action networks, faith-based organizations, and other community-based organizations** can provide oversight in program design by soliciting ongoing input from residents and stakeholders about community needs, interests, and resources. These partnerships are essential for effective awareness-raising about healthy small food retailer work, for ensuring that healthy store changes are received positively by residents, and for confirming that specific food items introduced into stores are backed by adequate demand. Additionally, meaningful partnerships with community-based organizations can facilitate improved communication and trust between store owners, residents, and administering agencies in the face of language and cultural barriers.

**EXAMPLE** *In Douglas County, Neb., the Omaha-based Empowerment Network was a critical partner in conducting focus groups about food availability and eating habits in North Omaha as part of the Healthy Neighborhood Store initiative. These focus groups directly informed the design of the program and the specific food items introduced into local stores. The information collected during focus groups was also critical in demonstrating to store owners that demand for specific healthy food items already existed within the neighborhood.*

**EXAMPLE** *The Episcopal Diocese of Olympia provides services to refugees who settle in the Seattle area. Its Refugee Resettlement Office runs a microenterprise fund that offers microloans to refugees who want to start their own businesses. This fund provides loans to immigrant small store owners in Seattle who want to offer healthy products.<sup>23</sup>*

In addition to community-based organizations, **community health coalitions and partnerships** can provide program design guidance, oversight, and outreach assistance.

**EXAMPLE** *The Community Activity and Nutrition Coalition of Sonoma County, Calif., created a subcommittee, including residents, to oversee the Healthy Food Outlet Project administered by the county health department. The subcommittee meets monthly to discuss challenges, how to implement new program elements, and new projects.*

**Produce growers' associations and farmers' cooperatives** can provide lower-cost access to locally grown produce and free produce marketing materials. Facilitating direct relationships between store owners and growers can also promote more lasting purchasing partnerships.

**Wholesale produce markets** can provide lower-cost access to produce for participating stores.

**EXAMPLE** *In North Carolina, the Pitt County Health Department connected a pilot store in its Corner Store Initiative with Locavore Market, a produce distribution hub for local farmers' cooperatives. This connection allowed the store owner to stock fresh produce at an affordable price for local residents.*

San Francisco's Wholesale Produce Market sells produce to small stores that serve predominantly Asian and Latino neighborhoods.





**Store owners' associations** can help promote the program among local food stores, raise store owner interest in selling healthier food, and help program staff communicate more effectively with store owners. This partnership can be especially important when a majority of small food stores are owned by immigrants from a particular country. In any case, store owner associations can be an effective way to reach out to store owners in the early stages of program development and to assess potential barriers to participation.

**EXAMPLE** *As part of the Baltimore Healthy Stores project, research staff from the Bloomberg School of Public Health connected with the Korean-American Grocers' and Retailers' Association to assess interest and acceptability of the program within the city's majority Korean-owned corner stores. In Douglas County, Neb., the local health department worked with the Nebraska Grocery Industry Association and the Nebraska Petroleum Marketers & Convenience Store Association to identify communication strategies for encouraging store owners to integrate health into their business. The associations helped the program think about how to approach stores, the types of assistance to offer to stores, and how to "speak the language" of the industry. The organizations also provided letters of support to store owners who were invited to participate in the program.*

**Grocery industry consultants**, such as **produce consultants** and **store design consultants**, can provide much-needed technical assistance to store owners who are interested in revamping their stores internally and externally.

**EXAMPLE** *In San Francisco, the Southeast Food Access working group (SEFA) – a partnership between the local health department, community-based organizations, and Sutti Associates, a grocery store design consultant – offers layout, equipment, and design assistance to store owners as part of their Healthy Retail Pilot Program in the Bayview-Hunters Point neighborhood. They have also partnered with WPM Consultants to train store owners in purchasing, handling, and displaying fresh produce to maximize shelf life and customer interest.*

The **local media** – including **local newspapers, community newsletters, public radio stations, neighborhood listservs, local television stations,** and **community blogs** – can be used to promote the program. Smaller entities, like community newsletters and blogs, will likely have affordable rates for advertisements. Media outlets often have a community calendar where events can be promoted for free. The program should also have a media strategy that involves "earned media," which means pitching ideas to reporters who will write articles about the program.



**Once a community decides that a healthy small food retailer program is a key food access strategy and lines up the appropriate partners, it's time to design a program that addresses residents' food needs.**

This section covers the things to think about *before* the program begins, while the Implementation section discusses the steps to start up a program. We should note, however, that program design is not linear. Many of the steps discussed below will occur concurrently, and every community will approach this process differently.

Community involvement in and, ideally, oversight of the program design process is crucial. Community members are ultimately the ones who will shop at these stores and interact with the store owners on a day-to-day basis. Throughout this document, we will identify steps where community involvement is critical, but these should not be interpreted as the only steps where it is necessary.

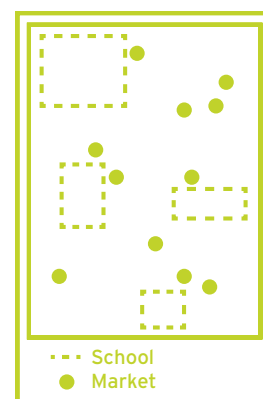
## **Determine the Scope of the Program**

The first step is to determine where the program will operate and which stores will be recruited. Feasibility is an important factor to consider at this point. Program designers should consider whether to adopt a small-scale intervention in a large number of stores or an in-depth intervention in a small number of stores.<sup>24</sup> The latter type of program may be best suited for a program with limited staffing and a community (or neighborhood) with relatively few stores. The former type of program might work best with more staff or volunteer capacity and in a community with lots of small food retailers.

Our scan of existing programs found that most target specific neighborhoods or areas that do not have easy access to healthy foods. These areas can be identified through food system or retail environment assessments, discussed on page 7. At a minimum, communities should know where stores are in the target areas and what types of stores they are (e.g., full-service grocer or convenience store).

**EXAMPLE** *To have maximum impact in a rural area, the program staff of the Pitt County (North Carolina) Corner Store Initiative worked with the local planning department to map schools and housing developments, including low-income housing projects, in relation to existing food stores. Based on these data, they homed in on 11 corner stores that were located near needy populations. After conducting initial surveys with store owners and customers, nine stores stood out as having potential for successful participation, based on store owner interest in the program, customer demand for healthy food, and WIC and SNAP certification.*

Once the target areas are identified, program designers should then decide which stores will be eligible for the program. This will determine how intensively program staff will need to work with stores. For example, if target stores already offer some healthy products, programs might offer less intensive assistance in improving healthy product selection and promotion than if target stores offer no healthy products. The programs we surveyed tend to focus on small, independently owned food retailers. A few programs include grocery stores and even supermarkets. The types of stores included in the program will depend on the existing food environment in the target areas. Here are a few scenarios to consider:



### Scenario 1: Densely populated urban neighborhood

The closest full-service supermarket is 30 minutes away by bus. The neighborhood has several corner stores that sell alcohol, tobacco, snack foods, and a limited selection of groceries. There are a few produce stands that sell fresh fruits and vegetables.

#### Program focus:

- ▶ **Increasing affordable, healthy food options** in the corner stores
- ▶ **Limiting the impact of the alcohol, tobacco, and junk food** sales on the surrounding households

### Scenario 2: Small city with moderate population density

There are several small grocery stores throughout the city. A low-cost chain supermarket is in the next town over. Many residents who have cars drive to the next town for groceries.

#### Program focus:

- ▶ **Strategies for promoting healthy food.**
- ▶ Offering it **at lower prices** at the small grocery stores

Most of the programs we surveyed had additional criteria for choosing stores to recruit to the program. We discuss additional selection criteria in the Implementation section on page 54.

**EXAMPLE** *Twelve neighborhoods in Louisville, Ky., were identified as food deserts that would benefit from healthy small food retailers. Each spring Louisville Healthy in a Hurry program staff work with a graduate school evaluation class at University of Louisville School of Public Health. Students do an assessment process that lasts the duration of the semester, and at the end of this period, they recommend four or five stores for improvement.*



# What Do Different Store Terms Mean?

**HEALTHY FOOD RETAILER PROGRAMS USE A VARIETY OF TERMS AND DEFINITIONS TO DESCRIBE THE** stores they work with. Because the terms used in one community do not always have the same meaning in other communities, it can be difficult to draw conclusions or make comparisons between programs. Based on interviews with healthy food retailer program coordinators, a scan of peer-reviewed food retail studies, and a review of government agency and major food industry organization websites, we propose the following definitions, broadly divided into “large food retailers” and “small food retailers.” Because large food retailers already offer a wide selection of healthy food options at affordable prices, the small food retailer category will probably be most relevant to consider in designing a certification program.

## Large Food Retailers

Stores that offer a wide selection of grocery items in addition to nonfood items and have four or more cash registers.

**SUPERMARKET:** Sells nonfood and grocery items, including canned and frozen foods, fresh produce, fresh and prepared meat and fish, dairy, and dry goods. Typically includes service deli/butcher counter, bakery, and produce department. Offers a large selection of moderately priced goods. Part of large chain (five or more stores). \$2 million or more in annual sales. Median square footage in the United States is 46,000.

**LARGE GROCERY STORE:** Sells mostly grocery items, including canned and frozen foods, fresh produce, fresh and prepared meat and fish, dairy, and dry goods. Typically includes service deli/butcher counter, bakery, and produce department. Independently owned or part of small chain (fewer than five stores). *Sometimes referred to as “full-service grocery stores.”*

## Small Food Retailers

Stores that offer a limited selection of grocery items in addition to convenience (ready-to-eat) food and beverages, may not offer any fresh produce, and have three or fewer cash registers.

**SMALL GROCERY STORE:** Sells mostly grocery items, including canned and frozen foods, fresh produce, fresh and prepared meat and fish, dairy, and dry goods. Three or fewer cash registers. Usually independently owned. *Sometimes referred to as “neighborhood groceries,” “small food stores,” “markets,” and “independent grocery stores.”*

**CONVENIENCE STORE:** Sells mostly convenience food items (including prepared and ready-to-eat foods, bread, milk, snacks, and soda). No fresh meat and limited or no fresh produce and other staple food items. May sell alcohol, tobacco, and gas. May be independently owned or part of a chain. Two or fewer cash registers. 2,000–3,000 square feet. *Sometimes referred to as “food marts,” “mini-marts,” “mom and pops,” “bodegas,” and “corner stores.”*

**CORNER STORE:** An urban convenience store that is independently owned and often sells alcohol and tobacco products. *Sometimes referred to as “convenience stores” but are usually associated with a specifically urban environment.*

**BODEGA:** An urban convenience store that is independently owned and may cater to a predominantly Latino customer base. May offer a moderate selection of fresh produce. *Sometimes referred to as “tiendas.”*

**SPECIALTY FOOD STORE:** Primarily sells a single food category, such as meat and seafood markets, produce markets and stands, dairy stores, candy and nut stores, and bakeries.

## Understand the Needs of the Key Stakeholders

The two main stakeholder groups for a healthy food retailer program are community members and store owners. A successful program will balance the needs of these two groups through the store requirements and the incentives for participation. Store requirements should meet the needs of the customers, and store incentives should meet the needs of the store owners. If the requirements don't push store owners to offer foods that customers want, then the customers won't purchase the healthier items. And if the incentives aren't useful or attractive to owners, then they won't participate in the program. In addition to the tips below, see the Resources section on page 68 for tools to assess customer needs and store environments.

### Customers

The food system assessment process, discussed on page 7, should yield insights into the healthy food needs of customers. Once the target areas have been identified, the customers in those areas should be surveyed about what types of foods (and even other products, like household products, diapers, and clothing) they want to see in their local stores and other changes they want to see (e.g., cleaning up litter, reducing loitering). Surveys are also a good way to identify potential stores to recruit by asking residents to name their favorite or most frequented stores. This information can be collected at neighborhood workshops or through surveys administered outside of stores, door-to-door, online, and/or at community centers. Neighborhood workshops, in particular, might be good for brainstorming and prioritizing program goals and features.<sup>25</sup> The survey data should be used to craft the certification requirements (discussed on page 29).



#### Some questions to ask **CUSTOMERS** include:

- ▶ Do they shop at their neighborhood small store? Why or why not?
- ▶ Which store do they shop at most frequently? Why do they shop there most often? What do they buy?
- ▶ What products do they wish the store would sell?
- ▶ What changes to the inside or outside of the store would they like to see?
- ▶ Would they be interested in helping with store outreach?



## Store Owners

It is important to talk to store owners early in the process. Program designers should attempt to understand the challenges owners face in offering healthier foods and what incentives would be attractive to them. This is also a good opportunity to gauge interest in the program and to find store owners who will be champions of the program.

Outreach to store owners can be either through one-on-one conversations or through a local business association. Communities with large numbers of small food stores may have one or more associations made up of store owners. The local chamber of commerce would be a good place to find out if such associations exist. The chamber of commerce, local economic development agency, or the local or state grocers association may be able to provide a list of stores and owner contact information.

The goal of these initial meetings is to gather information to use in designing the program, not necessarily to recruit stores. If store owners express strong interest in the program, make note for future recruitment efforts. When talking about certification with store owners, it is important to emphasize the voluntary nature of the program and to express a genuine desire to increase store revenue and profits. Store owners may have negative attitudes about local government, thinking that this is another attempt to regulate their business. Program staff should approach store owners with an open, collaborative attitude.

In some communities, stores are owned by immigrants from specific countries. For example, many small stores in Baltimore are owned by Korean-Americans. Culturally appropriate outreach strategies, such as having store recruiters of the same ethnicity or cultural background, are known to increase store owner engagement.<sup>26</sup> Program designers should approach owners in their native languages or through trusted community-based organizations that work with people from the owner's culture.

**EXAMPLE** *Community organizations played a key role in Douglas County's (Nebraska) Healthy Neighborhood Store program outreach efforts. These organizations were involved in running focus groups, coordinating outreach directly to stores, and serving as neighborhood liaisons for the overall project. Working with community organizations was especially critical for health department staff to overcome language barriers and ensure that the project aligned with community needs and interests in Omaha's African-American and Latino neighborhoods. By involving community organizations in the planning and facilitation of focus groups, Douglas County was able to gather input on the kinds of foods residents wanted to see in their local stores as well as the foods they already bought. This information directly informed the way healthy changes were implemented and the success of participating stores.*



### Some questions to ask **OWNERS** include:

- ▶ What healthy foods do they already offer?
- ▶ Where do they buy produce, dairy, bread, and meat?
- ▶ What makes it difficult for them to offer healthy products?
- ▶ Do they want to offer healthy food? Why or why not?
- ▶ What assistance would they want in offering healthy options?
- ▶ What incentives or rewards would they want in exchange for being a healthy store?
- ▶ Would they be willing to take down junk food, tobacco, and alcohol advertising?
- ▶ Would they be willing to move unhealthy products to less visible locations in the store?
- ▶ Where do they access food for their stores? Are healthier foods available at their commonly used wholesalers/distributors?

## Working with Chain Stores

Chain retailers are interested in offering healthier products because market research shows that customers want more healthy options at their stores. Some communities have successfully engaged chain convenience stores in healthy small food retailer programs. Lane County, Ore., collaborated with Dari Mart, a local convenience store chain, to add healthy food options and in-store marketing for healthy food. The Lane Coalition for Healthy Active Youth (LCHAY) found that Dari Mart was particularly interested in being involved with community, making it easier to pitch healthy changes. LCHAY assembled a “starter kit” of background reading and tips for working with chains: [www.healthycornerstores.org/how-to-work-with-chains](http://www.healthycornerstores.org/how-to-work-with-chains).



## Find Resources for the Program

At this point, program designers should have a rough sketch of what the program will look like, including the number and types of stores that will be eligible and the changes that will be needed to make stores healthier. Program designers should now ensure that funding and staffing are secured.

Based on our interviews with program coordinators, we provide the following guidance for staffing and funding. These guidelines should not substitute for a community's own staffing and funding analyses based on the scope of a proposed program.



The median staffing rate was one staff person for every nine stores.

### Staffing

Staffing levels depend on the intensity of the program requirements. One corner store expert, who has worked on several programs, recommended employing one full-time staff person for every ten to 20 stores enrolled in the program.<sup>27</sup> In the programs we interviewed for this toolkit, we found that the median staffing rate was one full-time staff person for nine stores. The range of store-to-staff ratios ran from one store per full-time employee to 15 stores per full-time employee.

Program staffing duties generally include:

- ▶ Planning program strategy
- ▶ Establishing and maintaining relationships with store owners, funders, and partners
- ▶ Recruiting stores
- ▶ Working with stores to meet standards
- ▶ Developing promotional materials
- ▶ Planning and implementing incentives for stores
- ▶ Inspecting stores for compliance with standards
- ▶ Representing the program at government and community meetings
- ▶ Planning a program evaluation, in partnership with an independent evaluator
- ▶ Managing contracts with partners (for evaluation, outreach, and store technical assistance)

In addition to paid staff, some programs work with youth and college or graduate student interns. For example, the Louisville and San Francisco programs have youth leaders who engage the community and store owners. The Louisville program also works with public health students at a local university to conduct periodic evaluations of the program.

## Funding and Other Resources

Our key informant interviews yielded a range of estimates for the cost of a healthy retailer program.

Many communities may not have the financial or staff resources to launch a full-scale program that covers the entire community from the start. A program could start with a limited list of standards, to make compliance and enforcement easier. The program could launch in one or two neighborhoods with the fewest healthy food options. The program can be expanded and strengthened as more funding becomes available and interest grows.

The three programs that provided cost data spent between \$10,000 and \$20,000 per store – including time spent providing technical assistance, equipment, and other infrastructure improvements.

If a public health department runs the program, it could use chronic disease prevention staff and funding since promoting healthy eating is a core function of chronic disease prevention programs. Some communities have used grant funding to launch such programs, including obesity prevention and nutrition education funding from the federal government. Program designers should consider nontraditional partners, such as a local hospital system or the chamber of commerce, as potential funders of the program. For more ideas, see the Partners section on page 13. For more on framing healthy food retail as an economic development strategy and finding funding for projects, see *Green for Greens*, available at: [www.changelabsolutions.org/publications/green-for-greens](http://www.changelabsolutions.org/publications/green-for-greens).



**EXAMPLE** *Communities use a variety of funding sources to establish and support healthy food retailer initiatives. The Nashville Metro Public Health Department used federal funds to launch So Fresh!, a 29-store healthy retailer program.<sup>28</sup> The city of Louisville uses a blend of federal funds and grants from the YMCA Pioneering Healthy Communities program and the Robert Wood Johnson Foundation's Healthy Kids, Healthy Communities program. The Sonoma County Healthy Food Outlet Project is funded with a mix of public and private dollars, including federal SNAP Nutrition Education and Rural Business Enterprise grants.*

Another way to reduce costs is to look to partners for in-kind donations of incentives, staff time, volunteers, and publicity. For example, neighborhood health clinics could publicize healthy stores to their patients. Youth groups from churches or other neighborhood organizations could help survey residents about the foods they would like to see locally. Produce or supermarket industry experts may be willing to serve as pro bono technical advisors to stores. Architecture firms may be willing to advise owners on store layout and design.

Economic development agencies are another good partner because they are charged with creating new jobs, supporting small businesses, and increasing residents' access to retail services. They can provide tailored assistance to help small stores thrive – for instance, help with business planning or information on permits and licensing. They also oversee projects to support a city's commercial districts, where many small stores are located. They may offer façade improvement grants or loans, streetscape or beautification programs, and marketing and promotion activities. Perhaps most importantly, economic development agencies coordinate numerous business assistance programs, including federal Community Development Block Grants, local façade improvement programs, and business improvement districts. Retailers could be given priority access to these programs or receive technical assistance to enroll in these programs as incentives for certification.

Healthy small food retailer programs are labor intensive, requiring close work with store owners, particularly in the early stages of the program. It is important to plan for the sustainability of the program beyond the first year:

- ▶ How will the program be maintained after the startup funding runs out?
- ▶ Is it possible to obtain dedicated funding from local tax revenue?
- ▶ What about sponsorships?
- ▶ Could the program ever charge a fee for participation?
- ▶ Can stores maintain standards after funding and technical assistance run out?

It will not be possible to answer all of these questions in the early days of the program. However, program coordinators should revisit the question of sustainability throughout the life of the program, looking for opportunities to leverage success for future funding and support. Unfortunately, there are no clear models of success from existing programs. Many communities are in the early stages of their programs, still operating on initial rounds of grant funding.

**EXAMPLE** *One unique staffing model that reduces the need for paid staff and government oversight is New York City's Adopt-a-Shop program. The program invites community groups to take food access into their own hands by "adopting" a shop in their neighborhood and working directly with store owners to improve healthy options. Program staff developed a toolkit that includes a sample script for approaching store owners, a store inventory form to assess current offerings, a store owner survey to understand barriers to selling healthy food, a list of healthy food options to choose from in making stocking changes, tips on developing an implementation plan, ideas for community activities to generate demand for healthy food options, design and layout suggestions for stores, and templates for healthy marketing materials. For more information on the Adopt-a-Shop program, visit: [www.nyc.gov/html/doh/downloads/pdf/cdp/cdp-pan-hbi-toolkit.pdf](http://www.nyc.gov/html/doh/downloads/pdf/cdp/cdp-pan-hbi-toolkit.pdf).*



Economic development agencies may offer grants to fund murals and other store façade improvements.



## Establish Strong Certification Requirements

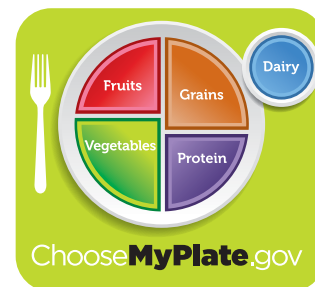
A program's success will depend largely on its standards – what it requires of stores for certification. Strong, publicly disclosed standards ensure that customers have healthier options available and assure taxpayers that their money is not being wasted on an ineffective program. But a healthy food retailer program also needs to be feasible. The standards shouldn't be so burdensome that stores are unable to meet them. The standards also need to be easy to monitor by the program coordinator.

The following recommendations are based on standards from programs we surveyed and the 2010 Dietary Guidelines for Americans, as well as our own insights into what a healthy store should look like. In developing these standards, we balanced nutritional and feasibility considerations. For many small stores, these model standards will require major changes to their inventory and business practices. If a program establishes very strong nutritional standards without considering feasibility, few stores will participate.

We did not include healthy food pricing standards in the list below, even though affordability is a key factor in healthy food access. Only one of the ten programs that we surveyed included a pricing requirement: Sonoma County requires stores to sell produce at a price that is no more than 10 percent above the county average. Since food prices vary by product, region, retailer business model, and many other factors, we found it difficult to recommend a single approach. However, programs should incorporate some pricing element into their standards. For example, programs could require stores to price fruits and vegetables no more than 10 percent higher than the closest full-service grocery store does. Or a program could work with each store to identify a healthy product or group of products that could be sold for less than comparable junk food. The pricing component should be developed in collaboration with store owners and informed by the healthy food needs of the community.

**Communities should modify these recommended standards to reflect customer and store owner input. They should also consider strengthening the standards over time to bring them in line with the most current nutritional guidelines.**

The standards are divided into two tiers. Tier 1 requirements must be met by all stores, establishing a minimum level of healthy food offered by certified stores. Tier 2 requirements offer options for stores to go above and beyond the requirements. All stores must choose three Tier 2 requirements. The Tier 2 list includes several ideas that have not been tested but would challenge communities' and store owners' notions of what a healthy store could be.



Model program standards are based on the 2010 Dietary Guidelines for Americans, which can be found at [www.choosemyplate.gov](http://www.choosemyplate.gov).



## Tier 1 Stores Must Comply with **ALL** Requirements

**Stock minimum quantities of staple foods, according to the following standards. If the store accepts WIC vouchers, these staple food requirements may be waived.\* All other Tier 1 requirements apply.**

### STAPLE FOODS .....



#### Dairy

- ▶ Stock at least one type of low-fat or skim cow's milk with no added sugar.
- ▶ Stock at least one plant-derived milk (e.g., almond, soy). Plant-derived milk can be offered in the cold case or on the shelf.
- ▶ Stock at least one type of low-fat or no-fat cheese or yogurt. Yogurt can have no more than 15 grams of sugar.



#### Protein

Stock at least three varieties of canned beans with no added salt or fat and one variety of nut butter (e.g., peanut butter, almond butter) with no added sugar.



#### Grain

- ▶ Stock at least one variety of 100 percent whole grain bread.
- ▶ All cereals must be listed within the top 15 child or family cereals according to the Nutrition Profile Index. The list can be found at: [www.cerealfacts.org/media/Marketing\\_Rankings/Brand\\_Nutrition.pdf](http://www.cerealfacts.org/media/Marketing_Rankings/Brand_Nutrition.pdf).



#### Fruit

- ▶ Stock four varieties of fresh fruit (not counting lemons and limes).
- ▶ Stock four varieties of canned and/or frozen fruit. Canned fruit must be packed in its own juice or water with no added sugar. Frozen fruit must contain no added sugar.



#### Vegetables

- ▶ Stock four varieties of fresh vegetables (not counting onions, white potatoes, garlic, and herbs).
- ▶ One variety must be a dark green vegetable and one must be a red or orange vegetable.
- ▶ Stock four varieties of canned and/or frozen vegetables with no added salt or fat.

\*We recommend waiving the staple food requirements for WIC vendors because WIC standards require vendors to stock specific foods within similar staple food categories. It may be confusing for retailers to comply with two detailed sets of stocking requirements.



## OTHER FOODS .....



### Fresh Produce

Must not be displayed in torn or tattered boxes or on the floor. Produce must not be rotten, moldy, spoiled, bruised, or wilted.



### Beverages

- ▶ If fruit or vegetable juice is sold, stock only 100 percent juice with no added sugar or sodium.
- ▶ Offer at least four varieties of zero-calorie nonalcoholic cold beverage options (such as diet beverages<sup>29</sup>), including water.



### Snacks

Offer at least two healthier snack options. The following products are snacks: chips, pretzels, cookies, donuts, pastries, brownies, candy, nuts, trail mix, granola bars, crackers, and popcorn.<sup>30</sup> Healthier options are snacks that:

- ▶ Contain less than or equal to 200 calories per serving.
- ▶ Contain less than or equal to 7 grams of fat, 2 grams of saturated fat, 15 grams of sugar, and 200 mg of sodium per serving.
- ▶ Do not have sugar or high-fructose corn syrup listed as the first ingredient.



### General Store Requirements

- ▶ Accept SNAP benefits.
- ▶ Post at least two signs or shelf labels promoting healthy eating or healthy products in the store.
- ▶ Provide a visible price on the product or shelf for all products required by the program.
- ▶ Track sales of healthy foods and provide data to program coordinator.\*
- ▶ Do not have any major violation of tobacco, alcohol, signage, health, or labor laws in the past year. (For more information, see the discussion of relevant laws on page 42.)



### Maintain Attractive Premises

- ▶ Provide adequate lighting within the business premises, throughout the parking lot, and at all entrances and exits.
- ▶ Provide adequate trash and recycling receptacles.
- ▶ Remove any graffiti on the business premises.
- ▶ Prevent loitering on the business premises.
- ▶ Maintain the cleanliness of all interior and exterior areas of the business premises, including shelf spaces.
- ▶ Comply with all state laws prohibiting littering.

\*Stores may refuse to provide sales data. In these situations, ask stores to allow the program to conduct customer surveys outside of the store. It is important to include a data collection requirement to evaluate the program and look for ways to improve it for stores and customers.



## Tier 2 Stores Must Choose a Total of **THREE** Options



### Increase Healthy Options (Must Choose **TWO**)

- Offer one sale, coupon, or other discount per month on any product that meets program standards.
- Offer at least one variety of fresh, lean meat with no added sodium.
- Offer at least one whole-grain product other than bread or snacks. Examples include brown rice or oats.
- Offer one additional fresh fruit variety and one additional fresh vegetable variety.
- Sell at least one variety of precut fruit or vegetable snacks (e.g., baby carrots, fruit cup).
- Price one bottled water option below the price of all other beverages of the same volume. Display this low-price bottled water option at eye level in refrigerator.
- Display zero-calorie cold beverages at eye level in refrigerators.
- Place all healthy snack options at the front of the store, such that they're visible from the door.
- Display fresh produce at the front of the store, such that it's visible from the door.
- Place one healthy product, such as fruit or snack, at the checkout counter.



### Decrease Unhealthy Options (Must Choose **ONE**)

- Remove all advertising for alcohol, tobacco, sugar-sweetened beverages, and junk food from one area of store: checkout counter, a single window, or the front door.
- Reduce the number of alcohol product options by 20 percent.
- Reduce the number of tobacco product options by 20 percent.
- Reduce the number of unhealthy snack options by 20 percent. (Unhealthy snacks are any snacks not meeting the snack standards listed in Tier 1.)
- Reduce the number of caloric beverage options by 20 percent. (Caloric beverages are any beverages that have more than 5 calories per serving.)
- Do not sell a single serving of a fountain drink that is larger than 16 ounces, and do not provide free refills for fountain drinks.



## Modifying the Standards for Your Community

Communities should modify these standards to meet the needs of residents and store owners. When developing standards, it's important to consider the following:

### Existing Healthy Food Retail Efforts

- ▶ Are local government agencies already offering incentives to healthy stores?

### Feasibility for Store Owners

- ▶ Do the standards fit within their existing business model?
- ▶ How much support will they need to implement the change? Can the program provide that level of support?
- ▶ Will store owners be able to maintain the change over the long term?
- ▶ Will the standards cause substantial financial losses that won't be covered by increased sales of healthy foods or more customers visiting the store?

### Customer Demand

- ▶ What products did customers request on program surveys?
- ▶ Will there be nutrition education programs offered to support customers in storing and preparing healthier foods?

### Ease of Enforcement

- ▶ Are the standards clearly defined?
- ▶ Can the enforcement staff objectively determine if the standards have been met? Will different people come to the same conclusion?

Several programs have built some flexibility into their requirements by allowing store owners to choose specific goals from within broader recommendation areas. For example, Sonoma County uses a scorecard system, requiring a minimum overall score as well as a minimum score in specific categories – including products stocked, marketing and promotion, food assistance, and safety/accessibility. Douglas County works with each store to come up with customized goals within three categories: increasing healthy food options, modifications to store layout, and providing nutrition education opportunities. In San Francisco, youth advocates, called “food guardians,” assessed 24 stores using a broad set of criteria that included food, alcohol, tobacco, environment, community engagement, and hiring standards. They gave each store an individualized assessment that included an overall rating and feedback on potential improvements.

# Federal Food Assistance Program Requirements

**THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)** and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) are two federal assistance programs that provide people with money or vouchers that can only be used for food. Both programs require retailers to meet specific food stocking requirements in order to accept the program benefits. SNAP retailer standards are less stringent than WIC retailer standards. See the comparison below for other important differences to be aware of.

The recommended certification standards in this section are designed to be compatible with the SNAP and WIC programs. The standards do not conflict with the SNAP food stocking requirements. The basic form of the standards aligns with the WIC food stocking framework. Since every state has different requirements, we recommend waiving the staple food requirements if a store accepts WIC vouchers.

For more information about SNAP and WIC program requirements and administration, see page 48.



SNAP	WIC
Served 40 million people in 2010. <sup>31</sup>	Served 9 million people in 2010. <sup>32</sup>
Food stocking requirements are set by USDA. <sup>33</sup>	Food stocking requirements are set by each state for the retailers within that state. Federal government establishes framework for requirements, including the basic categories of foods that must be offered (e.g., dairy, fruits, vegetables). <sup>34</sup>
In general, any retailer that applies to be a SNAP vendor and meets eligibility criteria will be approved. <sup>35</sup>	States establish retailer eligibility criteria and may limit the number of retailers that participate in the program. Federal government establishes framework for criteria. <sup>36</sup>

## Challenges Facing Healthy Food Retailers

Many small store owners operate just one store and, like all small business owners, strive to make ends meet.<sup>37</sup> The prospect of changing their business practices, even if it seems relatively simple from an outside perspective, presents a risk to the business's viability. Program designers should work to understand the challenges faced by store owners and to incorporate incentives and technical assistance to minimize the risk created by the certification program. Below are some common challenges faced by store owners in offering healthier products and participating in a healthy food retailer program.

### Offering New, Healthier Products

- ▶ Fresh produce may not sell out before it spoils. For example, store owners in a low-income San Francisco neighborhood reported that between 10 and 25 percent of their customers purchase fresh produce at their store.<sup>38</sup> Spoiled produce represents a financial loss to the owner since he or she already paid for it.<sup>39</sup>
- ▶ Owners will lose money on any new product if customers don't purchase it. Not only will they lose the money from purchasing the new products from distributors, but they also lose money by taking shelf space from products that are known to be popular with customers.



Refrigerated displays can allow store owners to expand their fresh offerings.

- ▶ Fresh produce must be stored and handled more carefully than packaged goods.<sup>40</sup> Owners may not have training in produce handling and storage or refrigeration equipment for fresh produce.
- ▶ The new products may not be available from the store's distributor or wholesale store. In this case, store owners will have to travel to a different wholesaler or establish a new distributor relationship to obtain the product, creating additional work for them.
- ▶ Store owners may not be able to obtain healthy products at an affordable price. For example, some store owners purchase their stock at large retailers like Costco.<sup>41</sup> They pay retail, rather than wholesale, prices, which ultimately means that their customers also pay more.
- ▶ Some store owners report that profit margins on healthy foods may be lower than on less healthy items.<sup>42</sup> Other retail experts contend that profit margins on fresh foods are higher than typical small-store fare.<sup>43</sup>

### Removing or Relocating Unhealthy Products

- ▶ Small stores, and convenience stores in particular, are primary retail and marketing outlets for tobacco companies. Of the \$9.6 billion spent on marketing and promotions in 2000, tobacco companies spent 81 percent at the retail level.<sup>44</sup>

In-store nutrition education can help drive healthy food sales, but may be disruptive to store operations.





- ▶ Food, tobacco, and alcohol companies compensate retailers for product placement and promotions. In one study, retailers reported receiving an average of \$3,157 per year from manufacturers.<sup>45</sup> Asking retailers to move unhealthy products or marketing could cause the owner to lose money from these agreements.
- ▶ As many as 48 percent of small stores receive some form of incentive from tobacco companies, averaging \$2,454 in annual fees per store.<sup>46</sup> In exchange for these and other nonmonetary incentives, tobacco companies require prominent placement and display of tobacco products, minimum shelf space dedicated to tobacco products, a specific amount and location of advertising materials, and price reductions on specific products.<sup>47</sup>
- ▶ Retailers have reported that tobacco company representatives visit stores to inspect compliance with contract provisions.<sup>48</sup>
- ▶ Snack food, candy, and beverage companies also provide incentives to small retailers for stocking, advertising, and promoting their products. Small stores make an average of \$280 monthly from such financial incentives, including \$130 from snack food, \$114 from soft drinks, and \$35 from candy.<sup>49</sup> While the relative amount of benefits received from food and beverage companies is less than what is received from tobacco companies, it is still important to consider how small stores may benefit from selling different kinds of unhealthy products.
- ▶ Snack and beverage selection may be determined by the distributor, not the retailer. Stores often have contracts with distributors who select and stock the products at the store. Owners report being uncertain if they can request different products.<sup>50</sup>
- ▶ Sales of high-margin or popular products could decline, affecting the owner's bottom line. For example, 58 percent of convenience store shoppers purchase a nonalcoholic beverage. Beverage companies report wanting their products to be as accessible as possible to drive sales.<sup>51</sup> While reducing consumption is a health goal, it's important to be aware of the financial impact on the retailer.

### **Participating in a Healthy Food Retailer Certification Program**

- ▶ Store owners may not have electronic scanners, making it difficult to track sales of healthy products.
- ▶ Store owners may find nutrition education activities in the store, such as cooking demonstrations or sample giveaways, distracting and harmful to business.<sup>52</sup>

A strong small food retailer program will reduce the costs for a store to transition from selling primarily junk food to selling a mix of healthy and unhealthy foods. Program incentives should ease this transition and help store owners find a profitable business model that includes selling healthy foods. The next section offers lots of incentive ideas.

## Establish Incentives for Retailers

Since healthy food retailer certification programs are voluntary, the program should assemble an attractive package of benefits to inspire participation. The benefits should reduce the cost of compliance with standards for store owners and build their capacity to sell healthy foods in the long run.

The incentives provided through the certification program should be considered a short-term bridge from retailers' existing business model to a healthier one. Ideally, the program will help retailers make a successful, sustainable transition to selling healthier foods.

When assembling the package, the program coordinator should solicit input from the public and especially from store owners. It may be necessary to offer a set of incentives that store owners can choose from, rather than a one-size-fits-all package for all stores. When promoting the program to stores, the program coordinator should state the dollar value of each incentive to demonstrate the financial benefit of participating.

### Ideas to Consider Include:

▶ **Reduce government administrative requirements, fees, or taxes.**

- Expedite processing of licenses or permits required for the business.
- Reduce or waive fees for permits or licenses required for the business.
- Provide a local tax exemption or credit.

**EXAMPLE** *The Shop Healthy NYC Program in New York City helps participating retailers apply for permits to sell produce on the sidewalk outside of their stores.*

▶ **Provide free or low-cost equipment for stocking healthier foods, such as:**

- Baskets or display racks for nonrefrigerated produce or other healthy products.
- Refrigerated display cases for produce and other healthy products.

▶ **Offer low-interest loans to store owners to make store improvements or invest in equipment.**

▶ **Offer priority access to competitive grant or loan programs run by local economic development agencies.**

**EXAMPLE** *The state of Oklahoma offers access to a low-interest loan program to small food retailers that sell fruits and vegetables and sell very little tobacco and alcohol (less than 10 percent of gross sales). Retailers can obtain loans of up to \$350,000 to open or expand their retail food businesses.<sup>53, 54</sup>*



▶ **Help store owners improve store façades and interiors to make them more inviting and to comply with local or state laws.**

- Provide free or low-cost store design consultation
- Provide free or low-cost awnings
- Assist with graffiti removal
- Arrange for murals to be painted on walls that attract a lot of graffiti
- Install planter boxes
- Improve external signage
- Install bike racks

▶ **Offer trainings to store owners, including:**

- Sourcing fruits and vegetables
- Fresh produce handling
- Healthy product marketing
- Business planning and expansion
- Customer service and cross-cultural communication
- Basic nutrition education

By improving interior signage, store owners can draw attention to healthy food options.



▶ **Host nutrition education events at the store.**

- Offer free samples of new products.
- Conduct cooking demonstrations with healthy products available at the store.
- Offer free one-on-one consultations with nutritionists.

**EXAMPLE** *The Douglas County (Neb.) Healthy Neighborhood Store program connects store owners to the University of Nebraska agriculture extension office for training on produce stocking, pricing, and marketing.*

▶ **Advertise the program to potential customers.**

- Provide decals, signs, and shelf labels for in-store marketing.
- Reach out to government agencies, community-based organizations, and institutions that serve potential healthy store customers, including health clinics, WIC agencies, social service agencies, neighborhood associations, and churches. Provide them with flyers and detailed information about what the stores offer.
- Work with public schools to send home flyers with schoolchildren. Work with school-based nutrition educators to create lessons plans that promote fresh fruits and vegetables available at small stores.
- Place advertisements in neighborhood newsletters, on local radio stations, and on television. Be sure to work with non-English-language media outlets if stores serve non-English-speakers.
- Work with local transit agencies to promote stores accessible via train or bus lines on transit vehicles, on bus shelters, and in transit stations.

▶ **Connect store owners with low-cost sources of healthy items.**

- Identify fruit and vegetable wholesalers in the community and surrounding area. Provide a list of wholesaler locations and contact information.
- Arrange for discounts on healthy products from wholesalers.
- Host a healthy food fair to introduce store owners to wholesalers and their healthy products.
- Create a buying co-op for store owners. The co-op would arrange for group purchases of healthy products, particularly fruits and vegetables, at a lower cost. To reduce delivery costs, buying co-ops often arrange for regular deliveries to a central location, such as a store, and then owners pick up their share.
- Arrange for local farmers' markets to sell leftover produce to local stores at a discount.

**EXAMPLE** *A neighborhood farmers' market in Washington, D.C., gives produce left over at the end of the day to nearby corner stores to sell.<sup>55</sup>*





**EXAMPLE** In Alameda County, Calif., in 2006, the Department of Public Health and the Oakland Community and Economic Development Agency convened a training of small store owners. Representatives from both agencies provided a detailed overview of the services and programs available from both agencies, including WIC and small business funding programs. Following the training, both the health department and the economic development agency saw an increase in applications for their services from small stores. The coordinated training proved to be an effective way of disseminating information to small store owners who were not familiar with these public services.<sup>56</sup>

**EXAMPLE** The Sonoma County Healthy Food Outlet Project created a list of produce vendors in the county and gave the information to store owners. Two store owners started purchasing produce from vendors on the list, lowering the retail cost of fruits and vegetables in their store. In some cases, these small stores were able to sell produce for less than the major chain retailer in the community.



Nutrition education can showcase new healthy products in the store.



# A Survey of the Types of Laws Regulating Small Food Retailers



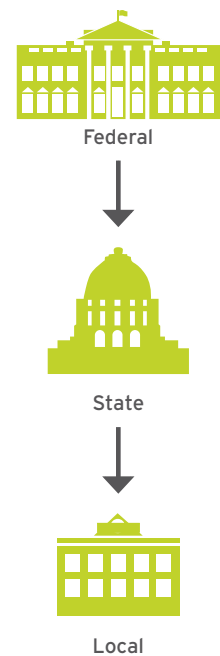
Small food retailers are subject to a wide array of federal, state, and local laws, some of which regulate retailers generally, such as tax laws; business incorporation and insurance laws; labor laws regarding wages, hiring, safety, and workers' compensation; discrimination laws; and building codes.

Other laws regulate the particular goods being sold, such as food safety laws and laws regulating tobacco and alcohol sales. When developing a healthy food retailer certification program, it's important to be aware of these laws both to understand the constraints under which small food retailers operate and to ensure that program requirements do not conflict with or duplicate existing regulations.

It is impossible to provide a comprehensive guide to all laws regulating small food retailers, because they vary greatly by state and locality. Below we provide a brief survey of the laws most likely to affect small food retailers and healthy food retailer programs. At the end of each section, we provide practice tips that describe how each law directly affects the design of a healthy small food retailer program. Typically, an overview would begin with federal laws and then move on to state and local laws. Because state and local laws are likely to have a greater impact on small food retailers, we start there. Laws vary by state and community; it is important to consult with your local lawyer before proceeding.

## State and Local Laws

State and local governments regulate small food retailers in a variety of ways. The extent to which a city or county can pass laws regulating retail stores depends on the extent of the police power – the power of the government to regulate private conduct to protect and further the public's health, safety, or general welfare – granted to it by its state constitution or statutes. Because of the variation in state law, some of the following types of laws may be passed at the state level and others at the local level.





## State Retail Food Codes

Every state has laws setting health and sanitation standards for food retail establishments, including small food retailers. Forty-nine of 50 states have laws based on the FDA's model Food Code versions from 1993 or later.<sup>57</sup> Updated most recently in 2009, the model Food Code uses the latest scientific evidence to set forth sanitation and food-handling requirements for restaurants, retail food stores, vending operations, and other locations where people sell or offer food.<sup>58</sup> The model code establishes definitions; sets sanitation standards for personnel, food operations, and equipment and facilities; and provides for building review, permit issuance, inspection, and permit suspension.<sup>59</sup>

**TIP** Before accepting a retailer into the program, make sure that (1) the retailer has all necessary food safety licenses; (2) all employees have received any required food safety trainings; and (3) the retailer has no outstanding environmental health violations. Require the retailer to maintain all licenses and remain violation-free as a condition for participating in the program. Coordinate with your local environmental health officer (responsible for inspections and enforcement of food safety) to ensure that all participants in the program comply with food safety laws.

State legislatures adopt the model Food Code either as is or with changes. Although the food codes are state law, they are implemented locally at the county or regional level. State laws or regulations assign the authority to implement and enforce the code to county environmental health, agriculture, or similar offices. The particular provisions of the code that apply to a small food retailer may differ depending upon the type of food prepared and sold.

Under the model Food Code, food retailers must submit to their local enforcement agency prepared plans and specifications for review and approval before constructing, converting, or remodeling their stores.<sup>60</sup> In addition, before they may engage in retail sales, store owners must obtain an operating permit from their local agency.<sup>61</sup> Finally, depending upon whether the store prepares food, the owner and employees may need to undergo training in food safety and preparation.<sup>62</sup> The local environmental health officer (or comparable employee) is responsible for inspecting the store, ensuring that employees have received proper food safety training, monitoring compliance, and enforcing the law. Some healthy food retailer programs have discovered environmental health violations while working with retailers. Program coordinators should be prepared to work with store owners to comply with existing laws before certifying stores. This can add to the time and cost to implement the program.

## Zoning and Other Police Power Laws

Cities and counties use zoning and other land use laws to regulate the growth and development of the community in an orderly manner. Zoning divides a community into districts and determines how the land in each district may be used. State laws give cities and counties the power to enact zoning laws. Most cities and counties use their power to regulate where retail stores may locate; they also may regulate what type of food preparation may occur in retail stores.

Cities and counties also use police powers laws to regulate other aspects of small food retailers that may impact neighboring businesses or residents. For example, local governments frequently impose building design standards, limit operating hours, require parking, impose parking lot lighting requirements, require outdoor trash cans or other litter control measures, regulate signage, and impose loitering and other crime-prevention measures.

**TIP** Work with the local police or sheriff's department to understand which laws apply to small retailers in your community and to determine whether retailers who are interested in participating in the program have been cited for violations. Ensure that retailers understand their responsibilities and require the retailer to remain violation-free as a condition for participation in the program.



# Alcohol Regulation

**WHILE SUBJECT TO SOME FEDERAL LAWS, ALL 50 STATES REGULATE** the sale and distribution of alcohol within their borders. In “control states,” the state exercises some direct control over certain sectors of the alcoholic beverage market<sup>63</sup> and may exercise control over wholesale, retail, or both types of markets. Some exercise control only over high-alcohol-content beverages, such as spirits and fortified wine, while others control moderate-to-high-alcohol-content beverages, which include table wines.<sup>64</sup> In “license” states, the alcohol review boards do not participate in the sale of alcohol beverages but regulate alcohol sales through the issuance of licenses to industry members that do business within their states. In some states, then, small food retailers may sell alcohol.

In order to sell alcohol in those states permitting it, a small food retailer owner must obtain a liquor sales license from the state’s alcohol review board. State laws vary on the qualifications for licenses, types of licenses, the type of alcohol allowed to be sold in different venues, the total number of licenses issued, the processes for renewing licenses, and enforcement. In some states, a store may need local approval from a planning or zoning authority before a state license may be issued.

**TIP** Make sure any retailers who sell alcohol have a state liquor license before participating in the program. Require the retailer to maintain all licenses and remain violation-free as a condition for participating in the program.



# Tobacco Regulation

## **CIGARETTES AND OTHER TOBACCO PRODUCTS ARE HEAVILY**

regulated throughout the United States, at all levels of government. Federal, state, and local laws and binding agreements govern nearly every aspect of the tobacco industry, including sales. The Family Smoking Prevention and Tobacco Control Act of 2009 gave the FDA comprehensive authority to regulate the manufacturing, marketing, and sale of tobacco products.<sup>65</sup> Under the law, the FDA may regulate current and new tobacco products and restrict tobacco product marketing. In addition, it may implement provisions that will strengthen cigarette and smokeless tobacco warning labels, reduce federal preemption of certain state cigarette advertising restrictions, and increase nationwide efforts to block tobacco product sales to youth.<sup>66</sup>



Make sure retailers who sell tobacco have any required tobacco licenses (state and/or local) before participating in the program. Require the retailer to maintain all licenses and remain violation-free as a condition for participating in the program.

In July 2010, the FDA issued its final rule, "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents."<sup>67</sup> Retailers who sell tobacco products, including small food retailers, must comply with the rule. Among other provisions, the rule prohibits: (1) the sale of cigarettes or smokeless tobacco to people younger than 18; (2) the sale of cigarette packages with fewer than 20 cigarettes; (3) most sales of cigarettes and smokeless tobacco in vending machines, self-service displays, or other impersonal modes of sales; and (4) the distribution of free samples of cigarettes.<sup>68</sup> States retain their authority to regulate tobacco sales.<sup>69</sup> The tobacco industry has challenged many provisions of the new law, and lawsuits are pending.

Every state in the United States taxes cigarettes and other tobacco products.<sup>70</sup> Many states have licensing programs designed primarily to aid in collecting these taxes and to help ensure compliance with other laws. State laws vary in the qualification, fees, and renewal processes for obtaining a tobacco retail license.

Finally, some cities and counties also require a license for retailers who sell tobacco products. Retailers must pay a fee and, sometimes, abide by certain conditions.

## Other Operating Licenses or Permits

Most communities require retail stores to obtain local permits or licenses to operate. In some communities, state law determines the type of permits or licenses; in others, a mix of state and local laws do so. For example, in most cities, a small food retailer needs some type of land use or zoning approval to ensure that its location complies with the city land use laws. He or she also needs a building permit or similar type of approval to build or remodel the building to ensure that it complies with building standards. The retailer may also need a fire inspection clearance or permit and a particular type of waste permit, and may be required to carry particular types of insurance. Finally, a small food retailer may need a local business registration license (generally used by local governments to impose taxes or other fees).

## Other Laws Affecting Health and Environmental Aspects of Retail Stores

State and local laws may also regulate other health and environmental aspects of small food retailers. Many states ban smoking in retail stores.<sup>71</sup> In states that do not ban smoking, cities that are empowered to do so, such as Anchorage, Alaska, have banned smoking.<sup>72</sup> Cities have also begun to impose other conditions on small food retailers. Minneapolis, for example, requires small retailers to sell certain food staples (similar to the SNAP criteria) in order to obtain a business license to operate.<sup>73</sup>

**TIP** Ensure that retailers have and maintain all required licenses/permits as a condition of participation in the program. As noted on the left, some communities require all businesses, including small food retailers, to obtain a local business registration license, which is usually issued annually. In many communities, a retailer must demonstrate that she has received all required permits and approvals in order to renew her business license. Determine which department issues the business licenses and work with it to ensure that the retailers have all required licenses. Require retailers to remain violation-free as a condition of participation in the program.



A store owner can voluntarily decide whether to remove signs promoting unhealthy products in order to receive program benefits.

## Federal Laws

### The First Amendment

One goal of healthy small food retailer programs is to provide information to shoppers so they may select healthier foods. Programs may wish to require retailers to post health or wellness information – but they should be aware that this type of requirement imposed by a city or county could raise First Amendment issues. The First Amendment to the U.S. Constitution prohibits the government from making laws that abridge the freedom of speech. It permits a government to require businesses to disclose accurate and uncontroversial facts as long as the disclosures are reasonably related to a governmental goal. Warning labels on certain foods and food nutrient labels on packaged foods are examples of factual disclosures lawfully required of businesses.

**TIP** Use signs that provide factual information about healthy products. For example, to promote fruits use a sign that sets forth the fruit's vitamin and nutrient content or gives a recipe or serving suggestion that helps a consumer increase the amount of fruit in her diet.

It is sometimes difficult to determine when a government is requiring *facts* to be disclosed rather than the government's opinions or viewpoints, which the government generally is not allowed to make others convey. In August 2012, the U.S. Court of Appeals struck down the federal government's graphic warning labels on cigarette packaging, holding that the labels violated the First Amendment rights of the tobacco industry.<sup>74</sup> Similarly, the federal district court found that San Francisco's ordinance requiring, in part, retailers to display an informational poster regarding potential hazards of cell phone use violated the retailer's First Amendment rights.<sup>75</sup>

Requiring a retailer to post certain signs as part of a *voluntary* food retailer program is much less likely to raise a First Amendment issue than a law requiring retailers to post signs. The retailer decides whether to accept the conditions of participation – including whether to post the signs or posters – and, if so, receives benefits in exchange. Because the sign-posting requirement is not a government mandate but a choice of the retailer, it is much less likely to be challenged. This area of law is constantly evolving, however, so contact ChangeLab Solutions or a local government attorney for more information.

### Laws Affecting Federal Nutrition Assistance Benefits Programs (SNAP and WIC)

#### SNAP

The USDA's Food and Nutrition Service (FNS) provides nutrition assistance programs for Americans in need. The Supplemental Nutrition Assistance Program (SNAP) helps low-income people by providing eligible participants with money to buy certain foods. SNAP is an entitlement program, meaning that Congress sets aside funds to allow every eligible American to participate – although not everyone does. State public assistance agencies run the program through local offices.<sup>76</sup> Some states use a different name for the program; for example, Wisconsin calls it FoodShare Wisconsin.



Food retailers are eligible to participate in the program if the store sells food for home preparation and consumption and meets one of the criteria below:

Offers for sale, on a continuous basis, at least three varieties of qualifying foods in each of the following four staple food groups, with perishable foods in at least two of the categories:

- ▶ Meat, poultry, or fish
- ▶ Bread or cereal
- ▶ Vegetables or fruits
- ▶ Dairy products

OR

More than one-half of the total dollar amount of all retail sales (food, nonfood products, gas, and services) sold in the store must be from the sale of eligible staple foods.<sup>77</sup>

The FNS issues a license to accept SNAP benefits to any eligible retailer who applies. The retailer accepts SNAP payments for food using the Electronic Benefit Transfer (EBT) card, a type of debit card. Retailers are responsible for training employees and complying with all of the program requirements.

The USDA has made preventing SNAP fraud a priority. SNAP fraud by retailers includes trafficking (the exchange of SNAP benefits for cash) and fraudulent applications (lying about previous disqualification from the program due to abuse).<sup>78</sup> Retailers are subject to substantial monetary and criminal penalties for violating the program and can be temporarily or permanently barred from the program.<sup>79</sup> The FNS shares information with states regarding retail stores found guilty of trafficking SNAP benefits and therefore permanently disqualified from participation in the program.<sup>80</sup> Program coordinators should ensure that retailers disqualified from SNAP are not eligible to participate in the certification program.

**TIP**

Before accepting a retailer into the program, check with your state office responsible for SNAP implementation to ensure that the retailer has not been disqualified from the SNAP program.

## WIC

The FNS also oversees the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Unlike SNAP, WIC is not an entitlement program. Congress authorizes a specific amount of funding for the program each year (whether or not it is sufficient for every eligible American to participate). The FNS provides these funds to WIC state agencies (usually a state health department or comparable agency) to pay for WIC-approved foods, nutrition education, breastfeeding promotion and support, and administrative costs. Low-income pregnant, postpartum, and breastfeeding women and infants and children up to age five are eligible for WIC benefits.<sup>81</sup>

The food packages offered differ based on the category of participant. WIC foods include infant cereal, iron-fortified adult cereal, vitamin C-rich fruit or vegetable juice, eggs, milk, cheese, peanut butter, dried and canned beans/peas, and canned fish. Soy-based beverages, tofu, fruits and vegetables, baby foods, whole wheat bread, and other whole-grain options were recently added to better meet the nutritional needs of WIC participants.<sup>82</sup>

The state agencies are responsible for administering the WIC program, including monitoring retailers for compliance and fraud. Recipients may receive benefits by check or by EBT, which can be redeemed at retailers authorized by the state to receive WIC benefits. Retailers apply to the state agency to become a WIC vendor. Retailers are responsible for training employees and complying with all of the program requirements. Small food retailers are eligible to become authorized WIC retailers. Many states limit the number of WIC vendors in their states, as permitted by federal regulations.<sup>83</sup>

Not all small stores are good candidates for the WIC program. Before recruiting new stores to participate in the program, speak with your state WIC agency to make certain they are accepting new applicants in the target area. In general, stores that are promising candidates for the healthy food retailer program are also likely to be good candidates for WIC participation. However, because each WIC store adds administrative costs to the program, it's also important to consider the overall ratio of WIC retailers to WIC participants in the target neighborhood. Ideally, new WIC stores will be located in an area with numerous WIC participants but not near a previously authorized store. For more information on recruiting new WIC retailers, see *Changes in the WIC Food Packages: A Toolkit for Partnering with Neighborhood Stores*, available at: [www.changelabsolutions.org/publications/WIC-toolkit](http://www.changelabsolutions.org/publications/WIC-toolkit).

## **Food, Drug, and Cosmetic Act/Nutrition Labeling and Education Act**

The Food, Drug, and Cosmetic Act (FDCA), as amended by the Nutrition Labeling and Education Act (NLEA), prohibits the misbranding or mislabeling of food. It also authorizes the Food and Drug Administration (FDA) to (1) require general nutrition labeling on foods, specifying what and how nutritional information must be disclosed, and (2) establish the circumstances under which particular nutrient-content and health claims may be made about food.<sup>84</sup> Most consumers are familiar with the general nutrition labeling requirements from the "Nutrition Facts" charts required on most prepackaged food.<sup>85</sup>

### **General Labeling Requirements**

The NLEA's general labeling requirements have little impact on many small food retailers. Many small retailers sell only prepackaged foods, in which case the food processor or producer is responsible for labeling the food. Plus, for those retailers that sell non-prepackaged foods, such as baked goods, there is an exception for small retailers. This exception applies to retailers who have annual gross sales to consumers of under \$500,000 or annual gross sales made or business done in sales of food to consumers of not more than \$50,000.<sup>86</sup>

### **Nutrient-Content and Health Claims**

The FDCA's regulations regarding nutrient-content or health claims on food labels apply to all food retailers, including small food retailers.<sup>87</sup> These regulations are lengthy and extraordinarily complex and apply both to labels directly on food and

to posters or signs placed near foods. Program coordinators must ensure that any nutrition education materials, such as posters or shelf labels, given to small food retailers make accurate nutrient-content or health claims about foods.<sup>88</sup>

A nutrient-content claim is a labeling claim that expressly or by implication “characterizes the level of any nutrient.”<sup>89</sup> FDA regulations specify what terms may be used when making a nutrient-content claim and what nutrient content must be present in the food in order to use the term.<sup>90</sup> If, for example, a program asks a retailer to post a shelf label that says, “This milk is low-fat!” program coordinators should make sure that retailers post the label only next to milk that meets the FDA requirements for a “low-fat” label.<sup>91</sup>

A health claim is a labeling claim that expressly or by implication, including third-party references, written statements, or symbols, “characterizes the relationship of any substance to a disease or a health-related condition.”<sup>92</sup> (The FDCA uses the term “substance” to mean a specific food or component of food.) For example, the FDA considers using the term “prevents heart disease” on a label to be a health claim. Both phrases contain the two required elements: (1) a reference to a substance (the nutrients in the food), and (2) a reference to a disease or health-related condition (heart disease).<sup>93</sup>

The FDCA strictly regulates when a substance may be eligible for a health claim, what nutrient content must be present in the food to make the claim, and what nutrient information must be disclosed in reference to it.<sup>94</sup> The FDA issues regulations authorizing a health claim only when it determines, based on the totality of publicly available scientific evidence, that there is significant scientific agreement among qualified experts that the claim is supported by evidence.<sup>95</sup> A retailer who posts a sign or label making a health claim about a particular food product would subject the food, and therefore the retailer, to these provisions of the FDCA. Program coordinators should use caution when selecting signs or posters to make sure that any health claims comply with the FDCA.

**TIP** When using signs to promote a particular food, make sure that any nutrition-related content on the sign is consistent with the nutrition label on the product. For example, if you want to promote 1 percent milk, make sure that the sign contains only nutrition information that is the same as the nutrition label on the milk carton. When using signs to promote a healthier diet or lifestyle, the safest course is not to tie the promotion to a particular food. For example, use a sign promoting more fruits and vegetables as part of a healthier lifestyle or a sign that states that the U.S. Dietary Guidelines support an increase in consumption of whole grains.



# Implementing a Healthy Small Food Retailer Certification Program



Once the standards, benefits, and infrastructure are set, the program is nearly ready to launch. Here's a step-by-step guide to implementing the healthy food retailer certification program.

## Develop an Application Process

The program coordinator should create a formal application process that gathers necessary information from stores and educates store owners about the program. The formality of such a process shows stores that, by seeking certification, they are making a commitment to provide healthier food. It also ensures that stores benefiting from the program meet the requirements and that taxpayer dollars are well spent.

The process should include the following steps:

### 1 Store Recruiter Conducts Outreach

Recruiters should visit stores that have expressed interest in the program or are located in neighborhoods with few healthy options. During the visit, the recruiter should inform the owner about the program standards and benefits, as well as available resources that can help the store satisfy the standards (e.g., free consultation with marketing experts and access to wholesale discounts on healthy products). The outreach meetings are crucial relationship-building opportunities.



### 2 Program Coordinator Assesses Store Environment

Once a store owner has decided to participate, the program coordinator should identify the changes that need to be made to become certified, and then discuss how the program will help the store make the changes.



Some programs do basic store assessments *before* officially asking store owners to participate. In this case, program staff would explain the assessment process as a general effort to understand food options in the neighborhood. Then, once staff have gotten permission and conducted a basic in-store assessment, they can use that information as a starting point to discuss potential changes with store owners. See page 55 for suggestions on how to approach store owners.





3

### Program and Store Owner Sign Contract

The store owner and program coordinator should agree on a time frame during which the store will make changes to meet the certification requirements (e.g., the store will meet the requirements within three months). The agency or organization administering the program and the store owner will then sign a contract that outlines the certification standards, time frame, benefits, and penalties for noncompliance. The contractual aspect of the program ensures that the sponsor has remedies should the store fail to meet the program standards, including suspension from the program and reimbursement of costs. It also demonstrates to the store owner that he or she will receive the promised assistance with the certification process. See Appendix A for ChangeLab Solutions' model contract.



4

### Program Coordinator Helps Store Comply with Certification Standards

Once the contract is signed, the program coordinator should work with the store owner to bring the store up to the certification standards.

## Recruit Stores to Become Certified

Given the time-intensive nature of certification programs, the program coordinator should develop a focused recruitment strategy that ensures the greatest health benefit. The strategy will be driven by the resources available to support stores and the need for healthy food in the community. Of the programs we surveyed, we found that most focused on stores in low-income and/or underserved neighborhoods. Other store recruitment criteria considered by existing programs include:

- ▶ No chain stores
- ▶ No single-product stores (e.g., liquor stores, bakeries)
- ▶ Store size (e.g., less than 800 square feet)
- ▶ Owner characteristics, including length of time in business, connection to the community, interest in the program, commitment to changing business model
- ▶ Availability of store staff person to work with program coordinator
- ▶ Proximity to child-serving or health-oriented venues, such as childcare facilities or community clinics
- ▶ Compliance with WIC and/or SNAP retailer requirements

Programs in small communities or focused on small geographic areas can likely identify eligible stores by walking around the area or looking at an online map. Outreach to stores can be conducted in person or by phone.

In larger communities, the program will need to be publicized through more widespread outreach. The program coordinator should work with a local

government agency that regulates small food retailers to publicize the program. If the health department inspects all food retailers, then the coordinator may be able to distribute flyers via the department's retailer mailing list. If retailers are required to obtain a business permit, then the coordinator may be able to obtain contact information via the town/city/county clerk (or whichever office issues business permits). If local government communication channels aren't available, the program coordinator should work with a local or state retailer association or chamber of commerce.

Recruitment will be most difficult in the first year, before the program has a positive track record in the community. In subsequent years, the program can point to evaluation data to show its successes and encourage peer-to-peer recruitment among store owners. In the first year of the program, the coordinator may want to target stores that already offer some healthy products or stores with highly motivated owners in order to build up a critical mass of certified stores. This strategy can help the program grow early and create the positive results that will motivate other stores to participate. The program coordinator also can point to successes in other communities in order to attract reluctant store owners to the program.

### Involve Community Organizations in Store Outreach

Community organizations should oversee the entire program design process, as well as assist with store outreach. These organizations can help program staff more effectively target and work with store owners in a number of ways.

- 1 Community organizations and residents can identify the stores they like to patronize and which store owners are most trusted or liked within the neighborhood. Vetting stores with residents increases the likelihood that store owners will be cooperative and prevents programs from investing in stores where residents don't shop.

**EXAMPLE** *Louisville Healthy in a Hurry program staff take negative comments from residents about the store or the store owner very seriously in considering potential applicants. The program conducts a community survey once store owners have applied to participate in the program. Included within this survey are questions such as "If this store sold produce, would you buy it? Do you consider this a family-friendly store?"*

- 2 Soliciting community input on which stores to work with increases motivation and demand among residents to shop at stores once healthy changes are implemented. This in turn contributes to greater success and return on investment for program staff and store owners.
- 3 Involving community organizations and residents directly in the outreach process can increase store owner willingness to participate. If store owners are approached by their own loyal customers, they are more likely to feel confident that program participation will be backed by consumer demand. At the same time, store owners will be more likely to trust the intentions of the program if neighborhood residents are involved and not just government staff.

# Tips for Approaching Store Owners

TALKING WITH STORE OWNERS ABOUT INTRODUCING HEALTHIER FOOD CAN BE A DELICATE TASK, AND the way you frame the program during initial conversations can strongly influence whether a store owner chooses to participate. Here are some conversation starters for initial outreach visits.

## **Start with something positive about what they offer to the community.**

- ▶ We know a lot of local residents come to this store.
- ▶ I've noticed you're selling some fresh fruit and vegetables.
- ▶ It's obvious that you know your customers well.

## **Mention any specific community groups or associations you are working with.**

- ▶ I work at the health department and am working with local community groups to improve health and quality of life in this neighborhood.
- ▶ I'm a member of a local neighborhood group that wants to bring more healthy food to the area.

## **Provide some evidence of customer interest in healthy food options.**

- ▶ Based on a survey we did with local residents, \_\_ percent of residents would like more fresh fruit and vegetables in their local stores.
- ▶ \_\_ percent of local residents do most of their shopping at grocery stores in other neighborhoods.
- ▶ \_\_ percent of local residents would shop at neighborhood stores if they could buy fruits, vegetables, and other groceries.

## **Ask for their input and insight on the challenges of selling healthy food.**

- ▶ Have you tried selling fruits and vegetables before?
- ▶ Can you tell me more about where you purchase your food?

## **Frame the program around helping stores be recognized and rewarded.**

- ▶ We are starting a program to help small stores make money by selling fruits, vegetables, bread, low-fat milk, and other healthy food.
- ▶ We want to bring new customers into your store.
- ▶ We want to reward stores that are contributing positively to the neighborhood.

## **Explain why you're interested in working with this store in particular.**

- ▶ Residents have told us they like your store.
- ▶ A lot of kids come to your store.
- ▶ You're an important food source for families in this community.
- ▶ You already have some fresh fruit and vegetables.

## **Acknowledge the challenges of running a small business.**

- ▶ I know that you work long hours to keep the store open.
- ▶ I know it can be expensive to make small orders from distributors. We'd like to help with that.

## **Explain what the program can offer to stores.**

- ▶ We think this will make you more profitable. (Provide data if available.)
- ▶ We will promote and publicize stores that offer healthier food.
- ▶ We are offering free equipment and advertising materials.
- ▶ We can do demonstrations and workshops to attract customers.
- ▶ We can help you access small business grants and loans.
- ▶ We can help lower the cost of ordering fresh foods.

## Help Stores Promote Healthy Products to Customers

As funding and staff time allow, the program should help stores promote healthy items – this support can increase revenue for participating stores and build demand for the healthy products. Programs can help stores by:

### Training Store Employees to Promote the Program

The training should cover the purpose of the program, certification requirements, how to talk to customers about the healthy products, and common questions customers may ask about them. The program should purchase a sampling of healthy products and allow employees to taste the products.

### Conducting Cooking Demonstrations and Offering Free Samples

Some healthy store programs run in-store events to attract customers and show them how to prepare healthy meals with the store's products. Free samples can encourage customers to purchase new foods.

### Training Store Owners in How to Display Fresh Produce and Other Healthy Foods

There are many easy tricks to making food displays more enticing to customers. For example, fruit stacked high in a basket on a shelf is more appealing than fruit in a cardboard box on the floor.<sup>96</sup> Program coordinators can help owners make these simple changes or, if resources permit, arrange for a free consultation with a store layout consultant. San Francisco is piloting a program to provide stores with consultation with a food retail store design expert. New York has also connected store owners to produce handling and marketing consultants as part of their Shop Healthy NYC initiative.

### Providing Promotional Signs, Shelf Labels, and Flyers

The program should develop in-store marketing materials that can be used at all certified stores. The materials can promote the program, the benefits of healthy eating, and ways to prepare specific foods. The program coordinator should plan to provide new promotional materials at least every few months to keep the information fresh for customers.

## Promote the Program to the Community

In addition to marketing the program in and around individual stores, programs should also create a recognizable brand throughout the wider community. The brand should leverage the reputation of the organization or agency operating the program so that the community trusts the certification process. A recognizable



Simple techniques, like stacking fruit in a basket, can make healthy products more enticing to customers.

brand will attract customers who want healthy products to all of the certified stores and it will build demand for certified stores in neighborhoods that do not have them.



Exterior signage can alert customers to new healthy products.

The centerpiece of the program brand should be a logo that is used on all publicity materials and that can identify certified stores. Programs should work with a graphic designer to develop a logo that communicates the goals of the program to the intended audience. A local graphic designer may be willing to offer reduced rates for the project, or a local community college with a graphic design class could take this on as a class project.

The program should develop a publicity strategy that begins before the first store is certified. The strategy should aim to educate the public about the need for the program and what certification means for stores. This broader publicity strategy should focus on community-wide media outlets and events, while individual store publicity should focus on neighborhood-level outlets and events where potential customers might be reached.

The program should work with a marketing or public relations expert to design the strategy. Here are some ideas for promoting the brand and program:

- ▶ Issue press releases announcing major program milestones (store openings, obtaining funding for the program, survey results).
- ▶ Organize a store preview for media outlets, including a tour of the first certified store and an interview with the store owner and customers.
- ▶ Conduct outreach to organizations and agencies that provide social services, nutrition education, cooking classes for low-income families, and anti-hunger services. Tell them about the locations of certified stores, the requirements of the stores, and how their clients will benefit from the program.
- ▶ Set up a booth at community events with taste tests, examples of products that will be available at certified stores, branded materials, and information about getting stores certified.

**EXAMPLE** *The Louisville program created an array of promotional materials featuring the Healthy in a Hurry logo. The program issues a press release and hosts a ribbon-cutting ceremony for each newly certified store.<sup>97</sup> Elected officials, including the mayor and members of Congress, have attended the ribbon-cutting ceremonies, which are often covered by local media.<sup>98</sup> The program also hosts a community event in the evening to celebrate the opening with residents.*

As with any company or product, it is important to protect the image of the program so that the public continues to trust the certification process. Maintaining strong relationships with store owners and periodically checking to see if they are complying with the certification standards will help to ensure that the certification logo is applied only to stores that offer healthy options. The next section discusses ways to monitor store compliance.



## Monitor Compliance

A healthy store program should check compliance in two ways:

### **The Program Coordinator Periodically Visits the Stores.**

Most existing programs use periodic inspections to monitor compliance. The program coordinator should develop a protocol that can be used consistently during all compliance checks by program staff.

### **Stores Must Renew Their Application Annually.**

Programs should require stores to reapply every year; this ensures continued compliance, allows the program's standards and incentives to change, and takes into consideration that store ownership or management may change.

If a store does not comply with the program's standards, the program coordinator should work with the owner to develop a plan for coming back into compliance within 30 to 60 days. If the store still does not comply, it should be removed from the program and prohibited from reapplying for one year. The program should consider asking the store to reimburse the program for the cost of the benefits provided.

## Evaluate the Program

Once a healthy store program is in place, sponsors should work with researchers (from the health department or a local academic institution) to evaluate its effectiveness and impact. Evaluation can be a resource-intensive process. Even if a formal evaluation can't be conducted, informal evaluation, through simple surveys or interviews, should be used to improve the program and demonstrate viability to retailers who are interested in the program.

Store owners may be reluctant to provide sales data. Program coordinators should communicate the benefits of evaluation for the store owner. Evaluation allows the program to identify what works to increase sales and what doesn't work. A major goal of the evaluation is to improve sales and profit for certified stores.

The program evaluation should examine whether the program does the following:

### **Changes What People Purchase**

By tracking sales data at participating stores, programs can monitor whether the program has altered people's grocery baskets. For example, sales data for random one-week periods can be analyzed at participating stores before they launch the program, and every six or 12 months afterward. As an alternative, the program could conduct customer surveys outside the store before and after implementation to determine if customers purchased more healthy foods.

### **Affects Sales at Participating Stores**

With help from participating stores, the program can track the popularity of healthy foods and the impact on store sales. (This can also be done by analyzing receipt data for random one-week periods.) The results, if positive, can encourage other stores to participate and may help the program obtain funding or secure other partnerships to expand. If healthy items aren't selling as well as expected, the program coordinator should work with store owners to identify ways to improve sales.

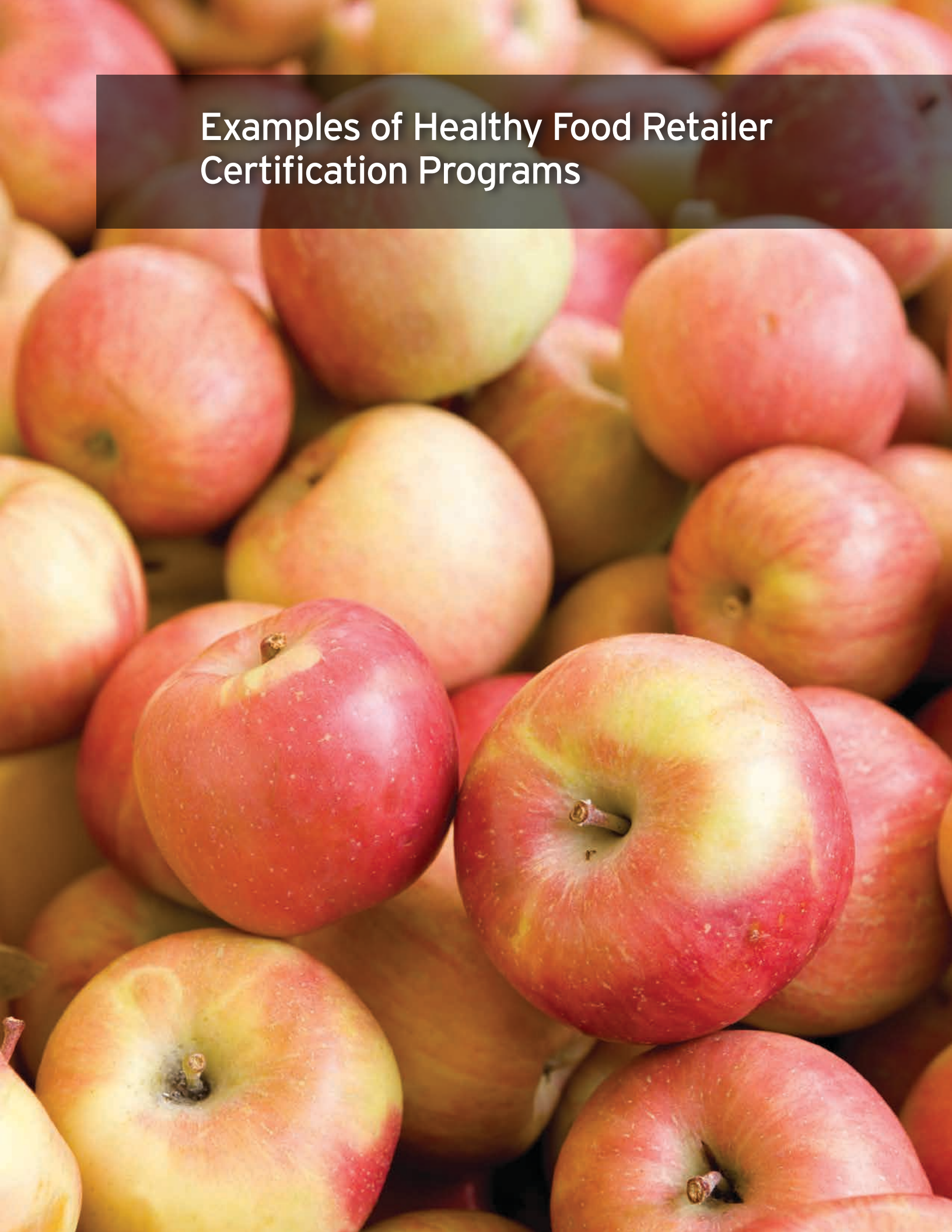
### **Encourages Stores to Provide Healthier Options**

Programs should assess whether participation has motivated store owners to offer even more healthy foods. They can also track whether owners have found ways to make selling healthy food profitable in the long run. This information can be gathered through store owner interviews and surveys.

Smaller stores may not have systems in place to provide rigorous quantitative sales data. However, qualitative data from customer surveys, owner interviews, and even observations within stores can provide evaluators with information about how the program is working and how it might be improved.

The program coordinator can work with store owners to identify ways to improve sales of healthy products.





# Examples of Healthy Food Retailer Certification Programs





## Hartford, Connecticut

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### Hartford Healthy Food Retailer Initiative (HFRI)

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Status: Active

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[www.hartfordfood.org](http://www.hartfordfood.org)

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This program was started in 2006 by the nonprofit food security organization Hartford Food Systems (HFS). The first phase of HFRI focused on shifting 5 percent of the shelf space in small grocery stores from junk food to healthy food, including a list of specific healthy food items. At its peak, 40 stores were participating. In 2009, a formal evaluation conducted by the University of Connecticut's Health and Nutrition program found that store changes were difficult to sustain due to a small number of program staff spread among a large number of stores.

In 2011, HFS launched the second phase of HFRI, focusing on building deeper relationships with a fewer number of stores that already have a limited selection of healthy food. HFS is working with eight food stores, most of which are more than 1,000 square feet and WIC certified, to help them sell healthy food more successfully and sustainably. One part-time staff member is providing outreach to stores. Incentives offered by HFS include publicity and promotional materials, in-store cooking demos, and connection to urban agriculture and community kitchen programs. Future plans for the HFRI include expanding to 12 stores and connecting store owners to community gardens in order to provide low-cost locally grown produce. The initiative is also looking at potential economic development incentives, like microloans.



## Sonoma County, California

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### Healthy Food Outlet Project

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Status: Active

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[www.sonoma-county.org/health/meetings/canc.asp](http://www.sonoma-county.org/health/meetings/canc.asp)

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This program, started in 2010, is a project of the Community Activity and Nutrition Coalition of Sonoma County and is administered by the Sonoma County Department of Health Services. This program focuses on independent grocery stores in predominantly Latino areas of Sonoma County. Using a food outlet assessment scorecard developed by the California Communities of Excellence in Nutrition, Physical Activity and Obesity Prevention (CX3), this project focuses on helping store owners increase their score to a minimum of 75 out of 100 points, addressing many aspects of a healthy store environment – including products stocked, marketing and promotion, participation in food assistance programs, and safety and accessibility.

The Healthy Food Outlet Project is currently working with 13 stores and is overseen by a subcommittee of residents, nutrition and health experts, and community stakeholders. Incentives provided to store owners include publicity and promotion of stores, healthy food advertising materials, connection to produce distributors, and minigrants for display and storage equipment.

## San Francisco, California

SEFA Healthy Retail Pilot Program

Status: Active

[www.southeastfoodaccess.org](http://www.southeastfoodaccess.org)

This program, which grew out of an earlier healthy food retailer program called Good Neighbor, was started by a nonprofit youth development organization in the Bayview-Hunters Point neighborhood of San Francisco. The current program is funded through a Kaiser HEAL Zone grant and is administered by the San Francisco Department of Public Health and the Bayview Hunters Point Foundation in partnership with SEFA, a community-government partnership dedicated to improving food access in southeast regions of the city. Program staff are targeting corner stores whose owners have a long tenure in the neighborhood and positive relations with residents.

In order to participate, stores are required to stock healthier food, prominently display healthy options, provide nutrition information to customers, and improve the overall cleanliness and appearance of their stores. In exchange, young adult professionals from the neighborhood called “food guardians” conduct community outreach activities to promote the store and bolster demand while stores receive technical assistance in produce handling and store design, display and storage equipment, and small business development training. Currently two stores are participating, and the department hopes to use lessons learned from this program to inform a citywide policy supporting healthy food retail in the near future.



## Douglas County, Nebraska

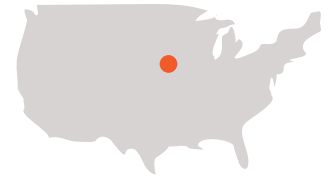
Douglas County Healthy Neighborhood Store

Status: Active

[www.livewellomaha.org/food/healthy-neighborhood-stores](http://www.livewellomaha.org/food/healthy-neighborhood-stores)

This program began in 2010 with the goals of increasing availability of healthy food, decreasing the size of food deserts, and increasing WIC and SNAP redemption at small grocery stores throughout greater Omaha. Administered by the Douglas County Health Department, this program currently works with eight stores in areas with limited access to healthy food to create customized goals from within three broad recommendation areas: increasing healthy food options, modifications to store layout, and providing nutrition education opportunities. Incentives include marketing and promotional efforts, in-store cooking and nutrition workshops, basic storage and display equipment, and training to help store owners more successfully market healthy food items.

Neighborhood focus groups, facilitated by community organizations, were a critical step in building community awareness and trust of the project as well as ensuring that the supply of healthy food items directly responded to residential interest and demand. Three participating stores have created an informal produce-buying consortium to decrease the costs of making small orders. Program staff hope to build on this network by creating a healthy store owner association for the exchange of best practices and to expand the program to a total of ten stores.







## New York, New York

Shop Healthy NYC (formerly known as Healthy Bodegas and Star Bodegas)

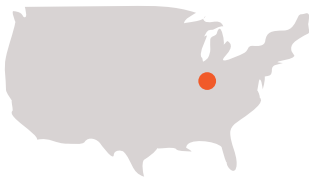
Status: Active

[www.nyc.gov/html/doh/html/cdp/shophealthy.shtml](http://www.nyc.gov/html/doh/html/cdp/shophealthy.shtml)

The New York City Department of Health began working with small corner stores, often referred to as “bodegas,” in 2006. This work eventually expanded to other food retailers under the Shop Healthy NYC brand. The goals of the initiative are to increase inventory and improve placement and promotion of healthy foods in retail stores. Program staff work with 40 to 80 stores spread throughout the target neighborhoods over one-year periods, and conduct a minimum of eight visits to help stores successfully market and sell healthy food. Stores are given multiple short in-store trainings on how to better market and promote healthier items, and program staff provide technical support along the way. The initiative has also helped stores apply for permits to allow produce vending on the sidewalk in front of their stores.

Initiative staff also work with neighborhood residents and store customers to build demand for healthier foods through Adopt-a-Shop trainings and technical support. The program offers an Adopt-a-Shop toolkit to provide residents with tools and resources to improve food sold in their local stores. This resource has served as an innovative community outreach tool by empowering residents to take the task of improving food retail into their own hands. For example, the initiative provides postcards for customers to request healthier foods they would like the stores to carry.

Incentives include healthy promotional materials, infrastructure improvements, in-store nutrition education and community outreach, connection to produce distributors and consultants, and assistance with small business loans and grant programs.



## Louisville, Kentucky

Healthy in a Hurry

Status: Active

[www.louisvilleky.gov/Health/equity/HealthyinaHurry.htm](http://www.louisvilleky.gov/Health/equity/HealthyinaHurry.htm)

[www.ymcakentucky.org/social-responsibility/social-services/healthy-in-a-hurry-corner-stores.html](http://www.ymcakentucky.org/social-responsibility/social-services/healthy-in-a-hurry-corner-stores.html)

This program was launched in 2009 by the Louisville YMCA as part of the Mayor’s Healthy Hometown initiative. Healthy in a Hurry assists corner stores in selling fresh produce throughout 12 Louisville neighborhoods designated as food deserts by the project team. In order to participate, stores must accept both WIC and EBT as a baseline requirement, and program staff try to work with store owners who have a longer tenure in the neighborhood and a demonstrated commitment to their community. Seven stores are currently participating. Program incentives include refrigeration and display equipment, store design improvements, in-store cooking and nutrition demos, and a \$1,000 voucher for initial produce orders. Neighborhood associations and youth have been key partners in building support for Healthy in a Hurry. Neighborhood associations have passed out flyers and developed a community survey about food purchasing and eating habits, while youth conduct door-to-door surveys and outreach.

## **White Mountain/San Carlos Apache Reservations, Arizona**

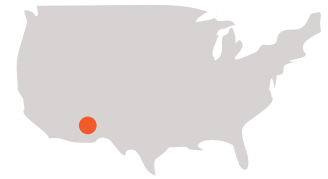
### **Apache Healthy Stores**

Status: Apache program no longer operating; model operating in Navajo Nation  
[www.healthystores.org/projects/archive/apache-healthy-stores](http://www.healthystores.org/projects/archive/apache-healthy-stores)

This program was established in 2003 by the John Hopkins Bloomberg School of Public Health as a pilot trial to improve availability of healthy food options in stores and improve eating habits among residents of the White Mountain and San Carlos Apache reservations in Arizona. Substantial formative research, including surveys and workshops, helped program staff to identify specific food items and nutrition messaging that would be culturally and economically acceptable to community members. Because the pool of food stores was limited, program staff conducted intervention activities in all types of stores on the reservations – including convenience stores and grocery stores.

Specific healthy food items were promoted through six themed phases: snacks, breakfast, cooking with less fat, dinners, beverages, and fruit and vegetables. In exchange for stocking the promoted foods, program staff provided stores with free marketing materials, mass media publicity, and in-store cooking and nutrition workshops for customers. Seven stores participated in total, and over 81 cooking demonstrations and taste tests were held.

The program was disseminated to the Navajo Nation in 2008, where it is being implemented by the Navajo Special Diabetes Program.



## **Baltimore, Maryland**

### **Baltimore Healthy Stores/B'More Healthy: Retail Rewards**

Status: Active

[www.healthystores.org/projects/bmore-healthy-retail-rewards](http://www.healthystores.org/projects/bmore-healthy-retail-rewards)

This program was implemented by a research team from the Johns Hopkins Bloomberg School of Public Health in partnership with the Baltimore Health Department as a feasibility trial to evaluate the impact of corner store interventions on purchasing and eating behavior among low-income residents in east Baltimore. The trial was conducted over ten months in 2006 to inform the development of a citywide program. Healthy food items were introduced and promoted in stores through five themed phases: healthy eating for kids, healthy cooking habits, healthy snacks, carry-out foods, and low-calorie drinks.

The primary incentives for store owners included shelf labels, posters, in-store nutrition and cooking workshops, customer coupons, and a voucher for the first wholesale order of healthy food items. Program staff worked with the Korean Grocers' Association to build relationships and assess barriers to participation among corner store owners. Staff also provided training in cross-cultural communication to store owners for improving relationships with their predominantly African-American customers.

Substantial formative research, including interviews and surveys, helped program staff to identify specific food items and nutrition messaging that would be culturally and economically acceptable to local patrons. Several versions of the



program have been tested in different stores since the original program, and the program is currently operating in 24 stores under the name B'More Healthy: Retail Rewards. The latest version involves partnership with local wholesalers to establish lower prices for healthier foods for small food stores.



## **Pitt County, North Carolina**

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### **The Corner Store Initiative**

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**Status: Active**

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This program was started in 2011 by the Pitt County Health Department to introduce healthy options to small food stores in low-income areas of Pitt County. County staff worked with East Carolina University to assess the availability and quality of food in corner stores as well as potential barriers to offering healthier food. Based on these assessments, they targeted nine small stores to work with, most of which are WIC and SNAP certified and offer limited or no produce. The focus of this program is introducing fresh produce to small stores, in addition to selecting items from their “healthy product menu.”

Working with each store owner, program staff develop a customized plan for introducing potentially profitable food items based on store owner perception of demand and customer surveys. In exchange for stocking produce and prominently displaying healthy options, program staff provide storage and display equipment and membership in the local chamber of commerce. Future incentives may include in-store nutrition and cooking demonstrations, promotional materials, and introduction of a “stoplight” nutrition education campaign. In order to keep produce prices down, program staff have connected store owners to a local farmers’ cooperative distribution hub, and in the future they hope to form a healthy store owner association.



## **Philadelphia, Pennsylvania**

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### **Healthy Corner Store Initiative**

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**Status: Active**

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[www.thefoodtrust.org/php/programs/corner.store.campaign.php](http://www.thefoodtrust.org/php/programs/corner.store.campaign.php)

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Philadelphia’s Healthy Corner Store initiative has become a model for many healthy food retailer programs throughout the country. Started by the nonprofit organization The Food Trust, this initiative has worked with over 600 stores throughout Philadelphia to introduce four new healthy products combined with healthy marketing materials into their stores. Stores that make these changes become part of the Philadelphia Healthy Corner Store Network. They receive free training and technical assistance on how to make these changes, free marketing materials, and an annual \$100 incentive payment. They also become eligible to apply for free refrigeration equipment, although not all stores will receive the equipment. Youth conduct community outreach activities to help build demand for the new healthy products.

The role of youth leadership in Philadelphia’s healthy corner store work has inspired programs around the country to engage youth as central outreach and implementation partners.

The Food Trust is designing a healthy corner store certification program to recognize stores that are willing to go above and beyond the basic requirements of this initiative. Stores that agree to offer additional healthy food items and promote healthy options might receive branding and marketing services, business management training, assistance applying for tax credits and loans, and additional display equipment.



# Resources





## Food System and Food Environment Assessment Tools

### Centers for Disease Control & Prevention

*Healthy Food Retail: Beginning the Assessment Process in Your State or Community*

Provides myriad ideas for assessment data sources from the food system down to the food retail level.

[www.cdc.gov/obesity/downloads/HFRassessment.pdf](http://www.cdc.gov/obesity/downloads/HFRassessment.pdf)

### ChangeLab Solutions

*Economic Development and Redevelopment: A Toolkit for Building Healthy, Vibrant Communities*

Chapter 16 provides ideas for crafting a strategy and involving community members in the assessment process.

[www.changelabsolutions.org/publications/toolkit-econ-dev-redev](http://www.changelabsolutions.org/publications/toolkit-econ-dev-redev)

### Community Food Security Coalition

*What's Cooking in Your Food System?*

Provides case studies of food assessments.

[www.foodsecurity.org/pub/whats\\_cooking.pdf](http://www.foodsecurity.org/pub/whats_cooking.pdf)

### Network for a Healthy California

*How to Make Healthy Changes*

Guide for community members on how to bring more fruits and vegetables to a neighborhood. Includes a fruit and vegetable assessment tool.

[www.cachampionsforchange.cdph.ca.gov/en/StepByStep.php](http://www.cachampionsforchange.cdph.ca.gov/en/StepByStep.php)

## Food Environment Mapping

### USDA Food Desert Locator

Identifies food deserts at the Census tract level.

[www.ers.usda.gov/Data/FoodDesert/fooddesert.html](http://www.ers.usda.gov/Data/FoodDesert/fooddesert.html)

### The Reinvestment Fund Limited Supermarket Access Map

Estimates supermarket access at the Census block group level, an even smaller population and geographic unit than a Census tract.

[www.trfund.com/TRF-LAA-widget.html](http://www.trfund.com/TRF-LAA-widget.html)

### Google Maps

Allows you to place pins at locations of interest, such as food retailers, and, in most parts of the United States, to take a virtual tour of an area using Google Street View.

For examples of how Google Maps has been used to create custom food environment maps and instructions, see Lefer TB et al. "Using Google Earth as an Innovative Tool for Community Mapping." *Public Health Reports*. 123: 474, 2008.

[www.publichealthreports.org/issueopen.cfm?articleID=2060](http://www.publichealthreports.org/issueopen.cfm?articleID=2060)

[www.maps.google.com](http://www.maps.google.com)

## Spotlight

### Healthy Corner Store Network

Provides up-to-date resources for starting and running a healthy corner store program. Connects practitioners from around the country.

[www.healthycornerstores.org](http://www.healthycornerstores.org)

## Food Retail Assessment Tools

### **University of Pennsylvania**

Nutrition Environment Measures Survey (NEMS)

Retail environment assessment tool used by program staff in Douglas County (Nebraska) and Pitt County (North Carolina).

[www.med.upenn.edu/nems/docs/NEMS\\_S\\_Detailed.pdf](http://www.med.upenn.edu/nems/docs/NEMS_S_Detailed.pdf)

### **California Department of Public Health**

Communities of Excellence in Nutrition, Physical Activity, and Obesity Prevention (CX3) Tools

The California Department of Public Health created a set of tools for conducting food environment assessments. The mapping tools apply only to California communities, but the field survey tools can be used by any community. The field survey tools include a detailed food retailer assessment worksheet.

[www.cdph.ca.gov/programs/cpns/Pages/CX3Instructions\\_Surveys\\_Forms.aspx](http://www.cdph.ca.gov/programs/cpns/Pages/CX3Instructions_Surveys_Forms.aspx)

### **Johns Hopkins School of Public Health, Center for Human Nutrition**

Baltimore Store Assessment Tool

Research staff from the Baltimore Healthy Stores program developed a brief store assessment tool in order to standardize the assessment process as much as possible.

[www.healthystores.org/BHS.html#research](http://www.healthystores.org/BHS.html#research)

### **SEFA (Southeast Food Access) Work Group**

San Francisco Corner Store and Grocer Assessment Tools

Youth in the Bayview–Hunters Point neighborhood of San Francisco use these tools to rate food retailers.

[www.s137745.gridserver.com/wp-content/uploads/2011/12/CornerStoreTool\\_SEFA\\_Final\\_10.6.11.pdf](http://www.s137745.gridserver.com/wp-content/uploads/2011/12/CornerStoreTool_SEFA_Final_10.6.11.pdf)

[www.s137745.gridserver.com/wp-content/uploads/2011/12/GroceryStoreTool\\_SEFA\\_final\\_2011.pdf](http://www.s137745.gridserver.com/wp-content/uploads/2011/12/GroceryStoreTool_SEFA_final_2011.pdf)

### **Delridge Neighborhoods Development Association and University of Washington**

Delridge Healthy Corner Store Project Toolkit

This toolkit includes a sample customer survey on page 105.

[www.healthycornerstores.org/wp-content/uploads/resources/Delridge\\_HCS\\_Toolkit.pdf](http://www.healthycornerstores.org/wp-content/uploads/resources/Delridge_HCS_Toolkit.pdf)

## Healthy Food Marketing Ideas

### **Network for a Healthy California Retail Program**

*Retail Fruit & Vegetable Marketing Guide*

Written for store owners, this guide provides numerous ideas for boosting sales of fruits and vegetables.

[www.cdph.ca.gov/programs/cpns/Pages/RetailFruitandVegMarketingGuide.aspx](http://www.cdph.ca.gov/programs/cpns/Pages/RetailFruitandVegMarketingGuide.aspx)

## **Johns Hopkins School of Public Health, Center for Human Nutrition**

Healthy Stores website

This website catalogs program marketing and education materials from five programs implemented by faculty at Johns Hopkins.

[www.healthystores.org](http://www.healthystores.org)

## **Funding Ideas**

### **ChangeLab Solutions**

*Green for Greens: Finding Public Health Financing for Healthy Food Retail*

Describes how to pitch healthy food retail programs to economic development funders and provides a guide to federal, state, and local funding sources for healthy food retail.

[www.changelabsolutions.org/publications/green-for-greens](http://www.changelabsolutions.org/publications/green-for-greens)

### **Healthy Food Access Portal**

[www.healthyfoodaccess.org](http://www.healthyfoodaccess.org)

## **Other Retail Resources from ChangeLab Solutions**

*Getting to Grocery: Tools for Attracting Healthy Food Retail to Underserved Neighborhoods*

Helps advocates and public health agencies coordinate and leverage the tools available through local government and other organizations to bring grocery stores into low-income communities.

[www.changelabsolutions.org/publications/getting-grocery](http://www.changelabsolutions.org/publications/getting-grocery)

*Healthy Corner Stores: The State of the Movement*

Explores the successes and challenges of early corner store interventions, and outlines a series of steps for developing sustainable models for future projects – models that engage community residents and business owners in creating meaningful change.

[www.changelabsolutions.org/publications/healthy-corner-stores](http://www.changelabsolutions.org/publications/healthy-corner-stores)

*Healthy Food Retailer Licensing Ordinance*

Requires all food retailers to meet minimum nutrition and other health-related standards in order to obtain an operating license. Additional incentives can be offered for exceeding minimum standards.

[www.changelabsolutions.org/publications/HFR-licensing-ord](http://www.changelabsolutions.org/publications/HFR-licensing-ord)

*WIC Food Packages: A Toolkit for Partnering with Neighborhood Stores*

Includes information on recruiting new WIC retailers.

[www.changelabsolutions.org/publications/WIC-toolkit](http://www.changelabsolutions.org/publications/WIC-toolkit)



# Appendices





## Appendix A: Model Healthy Small Food Retailer Certification Program Agreement

The Model Healthy Small Food Retailer Certification Program Agreement is a crucial step in implementing a Healthy Food Retailer Certification Program. After the program is designed and participating stores are recruited and agree to participate in the program, the Agreement serves to memorialize the obligations of the entity operating the program and the retailer participating in the program.

Some programs are funded and operated by a city or county, usually through its health department. Other programs are operated by nonprofit organizations, some of whom receive government funding to operate the program. This Agreement is designed as a template for cities and organizations to use to memorialize the responsibilities of the program operators and the retailers. (Organizations will have a separate agreement with the program funder governing the use of the funds.) We refer, generically, to the city or county or nonprofit organization operating the program as “Entity.”

The key to developing a successful program is the development of trusting relationships and open communication between the parties. The Agreement is not designed to replace the development of trust, but instead to help develop the relationship by ensuring that all parties understand their responsibilities. Particularly where the program is funded by public money, it is important to carefully consider and communicate to the retailers their obligations when participating in the program. Retailers will want those obligations memorialized, as well as the benefits the program will provide to them.

The Agreement sets forth the obligations of each party (the Retailer and the Entity operating the program). For ease of use, the first part of the Agreement sets forth the requirements specifically related to the program. The second part contains the types of requirements contained in most contracts and a Definitions section defining the terms used in the Agreement. Ultimately, the Agreement functions as a backstop to resolve a problem or assign responsibility when the problem cannot be solved informally.

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\* This Agreement was produced in collaboration with the Organizations and Transactions Clinic, a part of the Mills Legal Clinic at Stanford Law School. Our deepest appreciation to students Marian Fielding and Bryce Kaufman, and to Jay Mitchell, Associate Professor of Law and Clinic Director, for providing much of the text for this Agreement.



# MODEL HEALTHY SMALL FOOD RETAILER CERTIFICATION PROGRAM AGREEMENT

The Model Healthy Food Retailer Certification Program Agreement (“Agreement”) is a contract between a small food retailer and the city or organization operating the program that sets forth the terms of the retailer’s participation in the Certification Program (“Program”). The entity operating the program is usually either a city or county, generally through its health department, or a nonprofit organization, referred to here as “Entity.” The Agreement sets forth the obligations of each party (the entity and the retailer). For ease of use, the first part of the Agreement sets forth the requirements specifically related to the Program. The second part contains the standard types of requirements contained in most contracts and a Definitions section defining the terms used in the Agreement.

**COMMENT** Some of the provisions of the Agreement are based on general contracting law and use the language of contract law. The “comments” explain the meaning of these provisions and offer options to customize the Agreement to address the needs of the particular program. The language in italics within the text of the Agreement describes the information needed to insert in the blank spaces. Certain text is written in italics and placed between brackets to suggest a baseline standard. That text can be changed by the parties in their negotiations.

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The [*City of \_\_\_\_\_* or *\_\_\_\_\_ (Name of Organization)*] (“Entity”) has established a Healthy Small Food Retailer Certification Program (“Program”) to support food retailers who want to offer healthier foods. This document (“Agreement”) between the Entity and \_\_\_\_\_ sets out the terms of the Program. The Capitalized Terms used in the Agreement are defined in Definitions, attached to this Agreement.

This Agreement will begin on \_\_\_\_\_ and will continue for a period of one year [*unless renewed as provided under section 6.1*] unless sooner terminated as provided for hereinafter in section 6.

## TERMS OF PROGRAM

### 1. BASIC PROGRAM REQUIREMENTS FOR ENTITY

**Entity agrees to provide the following support to Retailer:**

**1.1 Government Assistance with Licensing.** Entity will provide the following assistance to Retailer:

- Entity will provide a stipend of \$ \_\_\_\_\_ to reduce Retailer’s business license fee to \$ \_\_\_\_\_.
- Entity will expedite processing of business license [*or other licenses*] by: \_\_\_\_\_.

**1.2 Store Improvements.** Entity will provide the following assistance to Retailer for store improvements:

- Entity will offer to Retailer a low-interest loan, subject to the conditions in a separate loan agreement, to improve its business to purchase and install:
  - Store awnings
  - Planter boxes
  - Improved outdoor lighting
  - Installation of bike racks
  - Purchase and application of graffiti-resistant paint
  - Application of a mural on outside wall

**[Alternative Option:]**

- Entity will grant to Retailer \$ \_\_\_\_\_ for store improvements for the purchase and installment of:
  - Store awnings
  - Planter boxes
  - Improved outdoor lighting
  - Installation of bike racks
  - Purchase and application of graffiti-resistant paint
  - Application of a mural on outside wall

**1.3 Training and Technical Assistance.** Entity will provide the following training and technical assistance to Retailer:

- No fewer than *[one]* training per year for the store owner and any selected staff on healthy eating and healthy products.
- No fewer than *[two]* trainings per year on good business practices for food retailers. Training sessions may include building relationships with distributors, stocking and displaying products (with emphasis on healthy and perishable foods), tracking sales, hiring good employees, and expanding the business.

**1.4 Marketing and Publicity.** Entity will provide no fewer than *[two]* of the following marketing events at each Retailer location:

- A cooking demonstration with Nutritious Foods sold at the store.
- A nutritionist on site at store location for consultation with customers.
- An event featuring free samples of Nutritious Foods available at the store.
- An event featuring a community leader.

**1.5 Advertising and Publicity.** Entity will provide the following marketing assistance to Retailer:

- Entity will provide Retailer with a package of decals, signs, and shelf signs for in-store marketing and promotion.
- Entity will produce a flyer promoting Retailer as a Healthy Small Food Retailer and offer flyer for distribution at local government agencies, including, but not limited to, health clinics, schools, social services agencies, recreation and park facilities, and other large employers in the area.
- Hold will hold at least one press event announcing the Healthy Retail Program and introducing participating retailers to local media outlets.
- Entity will place \_\_\_\_\_ ads in local newspapers or neighborhood newsletters, on local television stations, radio stations, websites, and in programs at youth and adult sporting and entertainment events.
- Entity will promote healthy retailers and the Program on Entity's website and on local government channels or programming.
- Entity will work with local transit agencies to promote Retailer and Program on transit routes near Retailer.

**1.6 Sourcing Low-cost Nutritious Foods.** Entity will provide the following opportunities to Retailer to source lower-cost Nutritious Foods:

- Entity will host at least one event to introduce Retailer to wholesalers who provide Nutritious Foods.
- Entity will offer Retailer the opportunity to participate in an Entity-sponsored purchasing co-operative for retailers participating in Program.
- Entity will offer Retailer the opportunity to purchase discounted produce from local farmers.

**COMMENT:** As described in the toolkit, there are a variety of ways for the Entity to promote and support healthy small food retailers. The Entity should tailor this portion of the Agreement to match the components of its Program. The more benefits the Entity can offer, the more likely retailers are to participate in the Program.

Some cities or organizations may not know the extent of benefits available during the term of the Agreement. In that event, the Entity could list an array of benefits and add the following additional language:

The selection of offerings in any given period is a function of retailer participation, available opportunities in the community, and available resources. Entity will decide on Program offerings and carry them out as it believes is best to promote the Program, with the understanding that Entity not doing all or a specific item listed below does not constitute a violation under this Agreement. Activities may include: *[list possible activities]*.

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## **2. BASIC PROGRAM REQUIREMENTS FOR RETAILER**

**Retailer agrees to the following for each Retail location participating in the Program:**

**2.1 SNAP Participation Requirement.** Retailer agrees to maintain a current license from the U.S. Department of Agriculture Food Nutrition Services to participate in the Supplemental Nutrition Assistance Program (SNAP). Retailer agrees to abide by all SNAP program conditions.

**2.2 Nutritious Foods Stocking Requirement.**

- Retailer is a participant in the WIC retail program and is exempt from the Food Stocking Requirements.

***[Alternative Option:]***

- Retailer shall stock the following foods:
  - a. Dairy**
    - i.** At least one type of low-fat or nonfat (skim) cow’s milk with no added sugar.
    - ii.** At least one plant-derived milk (e.g., almond, soy). Plant-derived milk can be offered in the cold case or on the shelf.
    - iii.** At least one type of low-fat or nonfat cheese or yogurt. To qualify, yogurt must contain no more than 15 grams of sugar.
  - b. Protein**
    - i.** At least three varieties of canned beans with no added salt or fat.
    - ii.** At least one variety of nut butter (e.g., peanut butter, almond butter) with no added sugar.

- c. Grain
  - i. One variety of 100 percent whole grain bread.
  - ii. If cereal is sold, the cereals must be listed within the top 15 child or family cereals according to the Nutrition Profile Index. (The list can be found here: [www.cerealfacts.org/media/Marketing\\_Rankings/Brand\\_Nutrition.pdf](http://www.cerealfacts.org/media/Marketing_Rankings/Brand_Nutrition.pdf).)
- d. Fruit
  - i. At least four varieties of fresh fruit (lemons and limes do not count towards the total) that is not rotten, moldy, spoiled, bruised, or wilted.
  - ii. Fresh fruit must not be displayed in torn or tattered boxes or on the floor.
  - iii. At least four varieties of canned and/or frozen fruit. Canned fruit must be packed in its own juice or water with no added sugar. Frozen fruit must contain no added sugar.
- e. Vegetables
  - i. At least four varieties of fresh vegetables (onions, white potatoes, garlic, and herbs do not count towards the total), that are not rotten, moldy, spoiled, bruised or wilted.
  - ii. At least two varieties of fresh vegetables must be dark leafy greens or orange.
  - iii. Fresh vegetables must not be displayed in torn or tattered boxes or on the floor.
  - iv. At least four varieties of canned and/or frozen vegetables with no added salt or fat.
- f. Beverages
  - i. If fruit or vegetable juice is sold, only beverages labeled 100 percent juice with no added sugar or sodium. (This requirement prohibits stocking any prepared juice drinks, such as Sunny Delight or Capri Sun.)
  - ii. At least four varieties of zero calorie, non-alcoholic cold beverage options (such as water or diet beverages).
- g. Snacks
 

At least two healthier snack options that:

  - i. Contain per serving:
    - less than or equal to 200 calories;
    - less than or equal to seven grams of fat;
    - less than or equal to two grams of saturated fat;
    - less than or equal to 15 grams of sugar; and
    - less than 200 milligrams of sodium per serving; and
  - ii. Do not have sugar or high fructose corn syrup listed as the first ingredient.

**2.3 Healthy Store Environment Requirement.** Retailer shall:

- a. Post at least two signs or shelf labels provided by Entity that promote healthy eating or Nutritious Foods.



- b. Ensure that the price for all Nutritious Foods (listed in section 2.2) is visible on the food or shelf holding the food.
- c. Maintain a healthy and safe store environment by:
  - i. Maintaining the cleanliness of all interior and exterior areas of the store, including shelving;
  - ii. Providing lighting within the business premises, throughout the parking lot, and at all entrances and exits;
  - iii. Provide and ensure customer use of adequate trash and recycling receptacles;
  - iv. Maintain a graffiti-free store by removing all graffiti within and on the outside of the store, including the parking lot, trash receptacles, and cooperate with law enforcement by participating in any graffiti abatement programs and measures; and
  - v. Actively discourage loitering within and outside of the store and cooperative with law enforcement in anti-loitering efforts.

**2.4 Additional Nutritious Food Requirements.** Retailer must select and implement at least two of the following throughout the term of the Agreement:

- Offer at least one variety of fresh, lean meat with no added sodium.
- Offer at least one whole grain product, other than bread or snacks. Examples include brown rice or oats.
- Offer one additional fresh fruit variety and one additional fresh vegetable variety in addition to those required in section 2.2.
- Sell at least one variety of pre-cut fruit or vegetable snacks (e.g., baby carrots, fruit cup)
- Price one bottled water option below the price of all non-water beverages of the same volume. Display this bottled water option at eye level in refrigerator and label the price on the refrigerator shelf.
- Display zero calorie cold beverages at eye level in refrigerators.
- Place all healthy snack options either at the front of the store, such that they are visible from the door, or at the checkout counter.
- Display fresh produce at the front of the store, such that it is visible from the door.
- Place one healthy product, such as fruit or a snack, at the checkout counter.
- Offer each month at least one sale, coupon, or other type of discount pricing on a Nutritious Food.

**2.5 Reducing Harmful Products Requirement.** Retailer must select and comply with at least one of the following throughout the term of the Agreement:

- Remove all advertising for alcohol, tobacco, sugar-sweetened beverages, and junk food from the checkout counter, a single window, or the front door.
- Reduce the number of alcohol products by 20 percent.
- Reduce the number of tobacco products by 20 percent.

- Reduce the number of unhealthy snack products by 20 percent. Unhealthy snacks are any snacks not meeting the snack standards listed in section 2.2.
- Reduce the number of caloric beverages by 20 percent. Caloric beverages are any beverages that have more than 5 calories per serving.
- Do not sell or offer for sale a single serving of a fountain drink that is larger than 16 ounces, and do not provide free refills for fountain drinks.

**COMMENT:** This section sets forth the core requirements for Retailers participating in the program. The Entity should tailor this portion of the Agreement to match the components of its Program.

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### 3. ADDITIONAL PROGRAM REQUIREMENTS FOR RETAILER AND ENTITY

**3.1 Inspection.** Entity may during normal business hours and without notice inspect all facilities used by Retailer in carrying out its activities under this Agreement. The right to inspect does not impose any duty on Entity to inspect any Retailer facility or analyze any meal or tasting sample or assume any liability of any kind arising from inspecting or not inspecting any facility or analyzing any meal or tasting sample.

**COMMENT:** This section authorizes the Entity to inspect the Retailer during normal business hours to ensure the Retailer is complying with the Program. It also specifies that this right to inspect does not impose an obligation on the Entity to inspect the Retailer or affect any of the Retailer's obligations under the Agreement.

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**3.2 Recordkeeping and Reporting.** Retailer will maintain records, in a manner such that Entity can evaluate compliance with this Agreement and evaluate the Program. Retailer shall record and retain records of: (1) sales data for Nutritious Foods, (2) the types and amount of foods, beverages and other products purchased and sold by Retailer, and (3) other data, as directed by Entity, that is needed for evaluation of the Program. Retailer will promptly deliver to Entity every [six] months these records for the prior [six] months.

**COMMENT:** As described more fully in the toolkit, evaluation is an important component of any certification program both to determine the program's effectiveness in improving public health outcomes and to ensure that retailers are benefitting from their participation. Section 3.2 requires the Retailer to collect, maintain, and report to the Entity particular information for the evaluation of the Program. The Entity should tailor this section to determine the types of information needed for evaluation of its Program and what types of information it wants reported directly to it. The length of time that Retailers must retain records may be dependent on state or local records laws and whether the funding source of the Program has any records retention requirements.

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**3.3 Notice.** Retailer will notify Entity promptly of: (a) any change in ownership or key personnel responsible for carrying out the Program; (b) any closures of existing participating locations or establishment of new participating locations; (c) a loss of any license or permit integral to operation by Retailer of its business at any location or any labor violations; (d) any loss of license or approval to participate as a SNAP or WIC retailer; or (e) any violation under this Agreement that Retailer has not corrected within ten (10) days of its occurrence.

**COMMENT:** This section requires the Retailer to notify the Entity of any significant changes that may affect the Retailer's participation in the Program.

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**3.4 Compliance.** Retailer will comply with all federal, state, and local laws, ordinances, rules, and regulations that relate to its activities.

**3.5 Names, Logos, and Materials.** Retailer will allow Entity to use Retailer’s name and logo in connection with Entity’s activities under Section 2 and otherwise under this Agreement as Entity may determine. Retailer may use Program Display Materials and otherwise use the Logo and Program name in menus, banners, in-store displays, websites, print advertisements and other customary promotional and advertising uses. Neither Entity nor Retailer will use the other’s logo or other marks except in the form provided to it by the other, and neither will combine the other’s logo or other marks with any other mark, word or design without prior approval. Each may object to any proposed or actual use of its name and marks by the other; the offending party will terminate such use of within ten (10) days after receipt of such an objection. Each of Entity and Retailer acknowledges that it has no interest in the other’s name and marks other than the rights granted under this Section 3.5 and that each will remain the sole and exclusive owner of its own name and marks. Neither will be obligated to file any application for registration or take any other similar actions in respect of its name and marks.

**COMMENT:** This section provides protection for both the Entity and the Retailer. The Program allows the Entity to use the Retailer’s name and logo and the Retailer to use the Entity’s Program Logo solely for promotional activities that are part of the Program. This provision provides that each party remains sole and exclusive owner of its own name and logo. This section prohibits each party from changing the other party’s logo or combining the other party’s logo with other marks, words, or design without prior approval. Finally, this section allows each party to object to the other party’s use of its name or logo.

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## ADDITIONAL TERMS OF AGREEMENT

### 4. RELATIONSHIP BETWEEN ENTITY AND RETAILER

**4.1 Independence.** Entity and Retailer are and will remain independent contracting parties. The arrangements contemplated by this Agreement do not create a partnership, joint venture, employment, fiduciary, or similar relationship for any purpose. Any use of the term “partner” or a comparable term in internal or external communication is solely for convenience. Neither Entity nor Retailer has the power or authority to bind or obligate the other to a third party or commitment in any manner. Retailer acknowledges that Entity will not independently verify or take responsibility for any statements made by Retailer.

**COMMENT:** This section offers protection for both parties by stating the parties’ intent that the Agreement not affect each party’s status as an independent legal entity. It provides that the Retailer’s participation in the Program does not create any partnership or other joint relationship between the Entity and the Retailer and that neither party has the power to obligate the other in any manner other than specified in the contract. Finally, the Retailer acknowledges that the Entity is not required to verify the information provided by the Retailer nor is it legally responsible for any statements made by the Retailer.

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**4.2 Responsibility for Own Actions; No Legal Advice.** Retailer will have sole responsibility for the planning, management, and implementation of its own activities relating to the Program, complying with the state retail food code, building code, and other legal requirements, and training and educating employees to comply with the requirements of the Program. Any technical assistance or materials related to Program provided by Entity are intended as a resource for Retailer and not as a source of legal advice or a substitute for directives or guidance from regulatory agencies.

**COMMENT:** This section primarily protects the Entity by stating the parties’ intent that the Retailer is solely responsible for its activities under the Program. It also provides that the technical assistance provided by the Entity does not constitute legal advice nor take the place of any laws, regulations, or directives that the Retailer must follow.

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**4.3 No Guarantees.** Entity and Retailer acknowledge that neither has or is making any representations, warranties, promises, or guarantees of any kind about the success of the Program, including, without limitation, representations about customer traffic, customer demographics, Retailer sales or profits, or public awareness of Retailer.

**COMMENT:** As described more fully in the toolkit, healthy retailer certification programs are a promising new public health intervention without a conclusive body of evidence establishing their success in improving public health or small food retailer's sales. This section protects both parties by acknowledging that neither party is making any promises or guarantees regarding the success of the Program or increased business for the Retailer.

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**4.4 Confidentiality.** Subject to applicable public records and laws, Entity will keep confidential and will not disclose or use for its benefit of any third party, other than in connection with its activities under this Agreement, any confidential information obtained from Retailer under Sections 3.2, without obtaining Retailer's prior written consent, except to the extent that such confidential information is required to be disclosed by law. Before disclosing Retailer's confidential information, Entity will provide the Retailer with written notice to allow Retailer to take any action it determines in its best interest. Confidential information means information furnished by Retailer to Entity that is expressly marked "confidential." Confidential information does not include information that: (a) is or becomes generally available to the public other than as a result of a disclosure by Entity; (b) was known by Entity before being furnished by Retailer; (c) is independently developed by Entity without use, directly or indirectly, of any confidential information; or (d) is or becomes available to Entity on a non-confidential basis from a source other than Retailer.

**COMMENT:** This section is drafted for a program operated by a city or county to protect any proprietary information the program may collect from a retailer. A retailer may consider its sales data and product lists, which they must collect and provide under the Agreement, proprietary information that it does not want disclosed to third parties. This provision prohibits the city or county from disclosing that information if someone asks for it, except when it is required to do so by law. The provision requires the city or county to notify the Retailer in the event the city or county believes it is required to disclose the information so that the Retailer may take action to prevent the disclosure. This provision can be omitted if the Program is operated by a non-profit organization, which is not subject to state public records law.

State law determines whether the city or county would be required to disclose any of the information the Retailer provides to the government, including sales data. Every state has a law requiring public agencies to disclose their records to the public.\* These laws, usually called public records or freedom of information laws, vary by state. The underlying policy of these laws is that access to information concerning the conduct of the government's business is a fundamental right of each citizen. Each state's law defines what records must be disclosed and provides exceptions from disclosure for certain categories of records. In conducting government business, cities often obtain written information from private citizens or entities, which then could potentially be subject to disclosure under these laws – if the state law defines the particular type of record as a public or agency record and there is no categorical exemption that protects the record from disclosure. The federal Freedom of Information Act and many states' comparable laws, for example, protect "trade secrets" or other types of proprietary information from a private citizen or enterprise from public disclosure.\*\* Sales data could be considered a trade secret under many states' laws. If so, and the law of the particular state exempts trade secrets from disclosure, the government would not be required to disclose it. The parties should consult with their local government attorney for more information on the public records disclosure law in their state.

\* For more information on public records laws, see the Reporter's Committee for Freedom of the Press, "Open Government Guide," available at: [www.rcfp.org/ogg](http://www.rcfp.org/ogg).

\*\* See, e.g., 5 U.S.C. 552(b)(4) (exempting from disclosure "trade secrets and commercial or financial information obtained from a person and privileged or confidential.")

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## 5. INDEMNIFICATION AND INSURANCE

**5.1 Indemnification.** Retailer will defend, indemnify and hold Entity and Entity's officers, employees, agents, and assigns (collectively, "Entity Parties"), harmless against all third party claims, liabilities, losses, damages, expenses, and attorneys' fees including, without limitation,



losses arising from any death, property damage or injury of any nature whatsoever that may be suffered or sustained by Entity Parties, which may arise directly or indirectly from: (a) sale to and consumption by individuals of food sold by Retailer and operation generally by Retailer of its locations, whether that claim involves product liability, consumer protection, health and safety, permitting, negligence, or other tort, employment, tax, or any other matter; (b) any violation by Retailer of its obligations under this Agreement; (c) any act or omission by Retailer, its employees, or agents in connection with Retailer's activities and operation; or (d) any third party claim that any permitted use by Entity of Retailer's name and logos in accordance with and under this Agreement infringes the third party's patent, copyright, trademark, or trade secret rights. Retailer will have no obligation to indemnify Entity to the extent the liability is caused by Entity's negligence, gross negligence or willful misconduct or any violation by Entity of its obligations under this Agreement.

**COMMENT:** This section allocates to the Retailer the responsibility for liability in the unlikely event that a third party, such as a customer, is harmed from the Retailer's sale of food or participation in the Program. Because the Retailer has sole control over its operations, the Agreement allocates this risk to the Retailer, rather than the Entity. The Retailer would incur this risk of liability regardless of whether it participates in the Program, and carries insurance to cover this risk. The indemnification protects the Entity if the third party is harmed and sues the Retailer and decides to also sue the Entity. In these types of tort lawsuits, plaintiffs often seek to join "deep pocket" parties – those, such as cities, who are perceived as wealthier than the primary party they are suing – in the hope of receiving more financial compensation for their injury.

"Indemnification" is a legal term that means to reimburse another for a loss suffered because of a third party's or one's own action or lack of action. Section 5.1 provides that if the Entity is sued by anyone for any property damage or injuries to or death of anyone that arise either directly or indirectly from (1) the Retailer's sale of food or operation, generally, or (2) any violation by the Retailer of its obligations under the Agreement, the Retailer will "defend" (be responsible for fighting the lawsuit on behalf of the Entity) or pay for the defense of the lawsuit. This section provides the Entity the same protection in the event that a third party claims that the Entity's permitted use of the Retailer's name and logos infringes on the third party's copyright trademark and similar rights. The section also provides that the Retailer will also "indemnify and hold harmless" – pay for all costs incurred by the Entity as a result of the lawsuit, including any monetary damages awarded by a court.

The last sentence of the section protects the Retailer by providing exceptions to the Retailer's duty to indemnify the Entity. If the harm to the third party is caused by the Entity's negligence, gross negligence, or willful misconduct, the Retailer has no duty to indemnify the Entity. "Negligence," "gross negligence," and "willful misconduct" are legal terms referring to the level of care exercised when acting. "Negligence" means the failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation. "Gross negligence" means a conscious or voluntary act or failure to act in reckless disregard of the consequences to another party. "Willful misconduct" means conduct committed with an intentional or reckless disregard for the safety of others. So, if the harm to the third party is caused by the Entity's action and the Entity acted imprudently or with a conscious or intentional disregard for the safety of others, the Retailer has no duty to defend or indemnify the Entity.

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**5.2 Insurance.** Retailer at its expense will maintain commercial general liability and \_\_\_\_\_ *[list other types of insurance here]*. Retailer will provide to Entity upon request a certificate confirming this coverage *[and naming Entity as an additional insured.]*

**COMMENT:** Section 5.2 establishes the type of insurance that the Retailer must carry during the term of the Agreement. State or local law may require a Retailer to carry certain types of insurance in order to obtain operating permits. Typically, Retailers carry general liability coverage, which broadly covers a Retailer's liability exposure, for example, if someone becomes ill from food or falls in the retail store. Retailers may also carry property insurance, workers' compensation, and liquor liability insurance (for those with liquor licenses). This section requires the Retailer to give a copy to the Entity of the policies to confirm the coverage. Some cities may want the Retailer to name the Entity as an additional insured under the policies. Because naming the Entity as an additional insured may cost additional money to the Retailer, cities should consult with their risk manager to determine whether this measure is necessary.

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## 6. RENEWAL AND TERMINATION

### 6.1 Renewal/Reapplication

**[Option 1: Renewal Form].** If Retailer wishes to renew its participation in the Program for another one-year term, it must deliver to Entity a renewal request on the form then in use by Entity no later than [90] days before the expiration of the current term. The Agreement may be renewed only if Retailer remains in compliance with all Program requirements at the time the request to renew is delivered and again at the time of the commencement of the renewal term. Entity will notify Retailer, no later than [30] days before the expiration of the current term, whether or not the Agreement will be renewed. The decision to approve or deny Retailer's renewal request will be in Entity's sole discretion. If this Agreement is not renewed, it will terminate at the end of the current term. Failure by Retailer to deliver a timely renewal request will be treated as a final decision not to renew. Failure by Entity to respond to renewal within [30] days will be deemed as acceptance on the part of the Entity.

**[Option 2: Automatic Renewal].** Unless Entity or Retailer provides [30] days written notice of non-renewal, and so long as Retailer remains in compliance with all requirements of the Agreement, this Agreement will automatically renew for another one year term.

**[Option 3: Reapplication].** If Retailer wishes to renew its participation in the Program for another one year term, it must deliver to Entity a new application on the form then in use by Entity no later than [90] days before the expiration of the current term. Entity may make the decision to approve or deny such Agreement in its sole discretion. Failure by Retailer to deliver a timely Agreement will be treated as a final decision not to renew. Failure by Entity to return a counter-signed copy of the Agreement will be treated as a final decision not to approve renewal.

**COMMENT:** The basic term of the Agreement is one year. We provide three options for an Entity to choose among for extending a Retailer's participation in the Program, depending upon the Entity's particular needs. Option one requires a Program to submit a simple form requesting reenrollment in the Program for another year; Option two provides that Retailers are automatically reviewed unless the Retailer expresses its desire, in writing, not to renew; and Option three requires the Retailer to reapply using the same procedure as the initial application to continue in the Program.

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**6.2 Mutual Termination.** This Agreement may be terminated (a) by the written consent of Entity and Retailer at any time, or (b) by either party upon [30] days' written notice to the other party.

**COMMENT:** This section provides protection for both parties. First, it allows the parties to terminate the Agreement, for any reason, upon written consent of both parties or by either party upon 30 days' notice to the other party.

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**6.3 Termination by Entity in Certain Circumstances.** Entity may terminate this Agreement if (a) Entity lacks sufficient personnel to operate the Program; (b) Entity lacks sufficient funding for the Program; or (c) Entity has reasonably concluded that continued operation of the Program is unlawful or presents a material legal risk to the Entity. Such a termination will be effective upon delivery by Entity to Retailer of a written notice to that effect.

**COMMENT:** This section allows the Entity to terminate the Agreement immediately, under "worst case" scenarios for the Entity – the Entity lacks funding or personnel to operate the Program, or the Entity determines the Program is unlawful or a legal risk to the Entity. Under this section, the termination is effective upon notice to the Retailer.

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**6.4 Termination by Entity in the Event of Default.** In the Event of Default, Entity may terminate this Agreement by giving written notice to Retailer, and on the date specified in the notice, this Agreement shall terminate and all rights of Retailer under the Agreement shall be extinguished.

The occurrence of any one or more of the following events shall constitute an “Event of Default” under this Agreement: (1) Retailer dissolves, liquidates, ceases to engage in its operations, commences any proceeding under any bankruptcy or insolvency law, (2) Retailer makes any false statements to Entity, (3) Retailer is found to have violated any federal, state, or local law, (4) Retailer fails to provide or maintain in effect any policy of insurance required in section 5.2; and (5) Retailer fails to perform or breaches any of its obligations under this Agreement and fails to cure the violation within [15] days after receiving from Entity written notice of the violation. Entity shall offer to meet with the Retailer to discuss the violation and the action the Retailer must take to cure the violation.

**COMMENT:** This section allows the Entity to terminate the Agreement immediately, if the Retailer ceases to engage in operations, has made false statements, has violated the law, fails to carry the required insurance, or the Retailer has violated the Agreement. If the Entity finds that the Retailer has violated any obligation under the Agreement, it must give written notice to the Retailer and offer to meet to discuss a compliance plan. If the Retailer fails to cure the violation within 15 days, then the Entity may terminate the Agreement.

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**6.5 Effect of Termination by Entity.** Upon the expiration or termination of this Agreement, Retailer will: (a) promptly cease any use of Program name, Logos, and Program Display Materials; (b) refrain from holding itself out as a participant in the Program in any way; and (c) return any funds or equipment provided under this Agreement within five days of the expiration or termination of this Agreement.

## 7. GENERAL PROVISIONS

**COMMENT:** Section 7 provides standard (“boilerplate”) language found in most contracts.

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**7.1 Entire Agreement.** This Agreement, together with the Application, is the entire agreement between Entity and Retailer and supersedes all prior or contemporaneous communications, representations, understandings, and agreements, either oral or written, relating to the subject matter of this Agreement. Entity rejects any term or condition in any document, letter, e-mail, or other communication from Retailer, or in any course of dealing, which conflicts with or adds to this Agreement or the Application.

**COMMENT:** This section provides that the Agreement and Application constitute the sole rights and obligations of the parties. It expresses the intent of the parties that any oral or written agreements or communications, such as “handshake deals,” before or during the existence of the Agreement are not valid or enforceable. It is important that the parties ensure that the Agreement accurately reflects their understanding, because in the case of a dispute, the Agreement will be the final determinant of the contract.

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**7.2 Severability; Waiver.** If any provision of this Agreement is held illegal, invalid, or unenforceable, all other provisions of this Agreement will nevertheless be effective, and the illegal, invalid, or unenforceable provision will be considered modified such that it is valid to the maximum extent permitted by law. Any waiver of any violation or provision of this Agreement will not be considered a waiver or any later violation or of the right to enforce any provision of this Agreement.

**COMMENT:** This section expresses the intent of the parties that, in the unlikely event the parties disagree over the Agreement and take that dispute to court, if a court finds that any section of the Agreement is invalid or unenforceable, the other portions of the Agreement will remain enforceable. A “waiver” is the voluntary relinquishment of a legal right. This section also provides that the rights and obligations of the Agreement continue even if a party fails to enforce or delays in enforcing the Agreement.

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**7.3 Assignment.** Retailer may not assign Retailer’s rights or delegate Retailer’s duties under this Agreement to anyone else without the prior written consent of Entity.

**COMMENT:** This section provides that the Retailer may not delegate its rights or obligations under the Agreement to anyone without the Entity’s written permission. This section is most likely to apply if the Retailer changes ownership.

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**7.4 Amendment of Program Requirements.** Entity may amend the Program requirements as set out in Section 1 and the activities as set out in Section 2 at its sole discretion. If Entity makes a material change to the Program requirements, Entity will notify Retailer, and Retailer will be given a reasonable period of time to comply, but in any event, no more than [30 days]. Entity will provide up-to-date versions of the Program Display Materials to Retailer in physical or electronic form prior to any material changes not required by law taking effect.

**COMMENT:** This section allows the Entity to alter the Program requirements during the term of the Agreement. Before doing so, the Entity must notify the Retailer and give then no less than 30 days (or other time period selected by the parties) before complying. Section 6.2 allows the Retailer to opt out of the Agreement if it no longer wishes to participate in the Program.

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This Agreement is signed by Retailer and Entity as of the date first written above.

**Retailer**

**Entity**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Fax: \_\_\_\_\_



## DEFINITIONS

The following terms used in this Agreement have these meanings:

**“Decal”** means a window decal provided by Entity to be placed in the entrance window of Retailer’s establishment to indicate its participation in the Program.

**“Healthy Retailer”** means a Retailer that has been accepted into the Program.

**“Logo”** means the logo developed by the Entity for the Program.

**“Nutritious Foods”** means the foods identified in section 2.2 that a Healthy Retailer is required to stock and sell.

**“Program Display Materials”** means display materials provided by Entity that promote the Program and/or explain the related nutritional standards.

**“Retailer”** means the individual or legal entity operating the retail store.

**COMMENT:** The definitions are listed in a separate section to enable an Entity to adjust them without requiring extensive edits to the model Agreement. It is important to define terms carefully and clearly so that both parties understand their obligations under the Agreement.

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## Appendix B: Key Informant Interviews

	Interview Date
<b>Apache Tribe and Baltimore, MD – Healthy Food Store Initiative</b> Joel Gittelsohn, Johns Hopkins University School of Public Health	11/28/11
<b>Douglas County, NE – Healthy Neighborhood Store Initiative</b> Sarah Schram, Douglas County Health Department	11/28/11
<b>Hartford, CT – Healthy Food Retailer Initiative</b> Martha Page, Hartford Food System	11/8/11
<b>Louisville, KY – Healthy in a Hurry Corner Store Initiative</b> Sasha Belenky, Louisville YMCA	11/21/11
<b>New York, NY – Healthy Bodegas/Star Bodegas/Shop Healthy NYC</b> Donya Williams, New York City Department of Public Health Updated information provided by Sabrina Baronberg	11/22/11 & 9/2012
<b>Philadelphia, PA – Healthy Corner Store Initiative</b> Laila Goldberg & Brianna Almaguer Sandoval, The Food Trust	12/2/11
<b>Pitt County, NC – The Corner Store Initiative</b> Diana Craft, Pitt County Health Department	11/22/11
<b>San Francisco, CA – Bayview–Hunters Point Good Neighbors Program</b> Susanna Hennessey Lavery, San Francisco Department of Public Health	10/20/11
<b>Sonoma County, CA – Healthy Corner Store Certification Program</b> Anthony Taylor, Sonoma County Department of Health Services	11/16/11
<b>Vanderburgh County, IN – Corner Store Initiative</b> Jill Walters, Welborn Baptist Foundation	11/29/11



# Endnotes





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