

Minneapolis Staple Foods Ordinance

Summary of 2018 Compliance Data and Trends: Full Report

Background

The [Minneapolis staple foods ordinance](#), originally adopted in 2008, was significantly revised by the Minneapolis City Council in October 2014. The revised ordinance requires all licensed grocery stores within the city – including traditional supermarkets, corner stores, food-gas marts, discount stores, and pharmacies – to stock a minimum amount and variety of healthy food items across ten required categories (Appendix A). These requirements are based on the [Special Supplemental Nutrition Program for Women, Infants, and Children \(WIC\)](#) program standards.

The Minneapolis Health Department (MHD) is responsible for implementing and enforcing the staple foods ordinance. The revised ordinance went into effect on April 1, 2015 and enforcement began April 1, 2016. MHD health inspectors monitor compliance with the ordinance as part of routine health inspections of eligible licensed grocery stores, which occur every one to two years. Stores that are not compliant with the ordinance requirements may receive a written violation notice on their inspection reports, in accordance with the City's standard enforcement procedures for licensed businesses. Stores that do not address compliance issues after receiving a violation may receive a formal citation and monetary fine upon subsequent inspections.

In addition to routine health inspections conducted by MHD health inspectors, staff from the department's Healthy Living Team (obesity and chronic disease prevention) also conduct annual visits at all eligible stores in order to assess compliance and provide technical assistance, but do not take enforcement actions against non-compliant stores. **The purpose of this report is to summarize the data and findings from the Healthy Living Team's 2018 compliance monitoring visits and report on compliance trends over time.**

Compliance monitoring process

As of January 1, 2018, there were 265 licensed grocery stores in Minneapolis. A total of 26 stores were classified as "exempt" from the Staple Foods Ordinance requirements because they met at least one exemption criteria outlined in the ordinance. Exemptions were granted to stores that qualified as 1) an accessory use grocery store¹, 2) a gas station with less than 300ft² of retail floor space, or 3) a store located in the Central Commercial District of downtown Minneapolis. The remaining stores (n = 239) were required to comply with the ordinance requirements and included:

- 31 supermarkets²

¹ An accessory use grocery store is defined as a retail establishment that sells staple foods as an accessory use to its primary business, or sells only specialized types or classes of staple foods and accessory foods, including, but not limited to, such establishments as imported food stores and gift shops. These stores do not include stores that accept government supplemental nutrition programs.

² A supermarket was defined as a local chain supermarket, wholesaler club, co-op, or other store that had grocery carts and at least three cash registers.

- 132 corner stores
- 46 food-gas marts (e.g. SuperAmerica, Holiday gas stations)
- 9 discount stores (e.g. Family Dollar)
- 16 pharmacies (e.g. Walgreens, CVS)
- 5 general retail stores (e.g. Target, Kmart)

Of these stores, 95 (39%) were authorized to accept WIC benefits and 217 (90%) were authorized to accept Supplemental Nutrition Assistance Program (SNAP) benefits.

Between June – July 2018, Healthy Living staff attempted to visit each store to monitor their compliance with the ordinance using a food inventory assessment tool (Appendix B). During this time, 13 stores were found to be permanently or temporarily closed for business and could not be assessed. Thirty-three stores (29 supermarkets and 4 general retail stores) were assumed compliant due to their large grocery inventory and did not receive a compliance visit. This resulted in a total of 193 in-person compliance visits. The compliance monitoring process was used to gather quantitative information about ordinance compliance as well as to provide education and technical assistance to help store owners comply.

Results: Overall Staple Foods Ordinance compliance

Of the 226 stores assessed, 87 stores (38%) were compliant with the Staple Foods Ordinance (i.e. they met all 10 of the staple foods requirements) and 139 stores (62%) were not compliant (i.e. they met nine or fewer requirements). Although many stores did not meet all ten requirements, 93% (n=210) met at least six requirements. Table 1 shows overall compliance with staple foods requirements for 2018.

Table 1: Overall compliance with Staple Foods requirements, 2018

Requirements Met	# of Stores	% of Stores	Cumulative %
0 requirements met	0	0%	0%
1 requirements met	0	0%	0%
2 requirements met	2	1%	1%
3 requirements met	3	1%	2%
4 requirements met	4	2%	4%
5 requirements met	7	3%	7%
6 requirements met	16	7%	14%
7 requirements met	26	12%	26%
8 requirements met	31	14%	40%
9 requirements met	50	22%	62%
10 requirements met	87	38%	100%

Note: Percentages may not equal 100% due to rounding.

Results: Compliance trends over time (2015-2018)

While overall compliance was low, the number of stores meeting between six and nine requirements increased by 22% between 2015-2018, and the number meeting fewer than five requirements decreased by 10%, indicating positive incremental progress. Table 2 illustrates the difference in compliance rates from 2015 - 2018.

Table 2: Changes in Staple Foods Ordinance compliance, 2015-2018

	2015 % Compliance	2016 % Compliance	2017 % Compliance	2018 % Compliance	% Change, 2015-2018
10 requirements met	51%	63%	45%	38%	-13%
6-9 requirements met	32%	34%	49%	54%	+22%
0-5 requirements met	17%	3%	6%	7%	-10%

Note: Percentages may not equal 100% due to rounding.

Results: Overall compliance with staple foods requirements by store type

In 2018, compliance among supermarkets (97%) and general retail stores (80%) was high, while compliance among other store types was lower: corner stores (38%), discount stores (11%), food-gas marts (13%) and pharmacies (0%). Table 3 illustrates 2018 compliance rates by store types.

Table 3: Compliance rates by store type, 2018

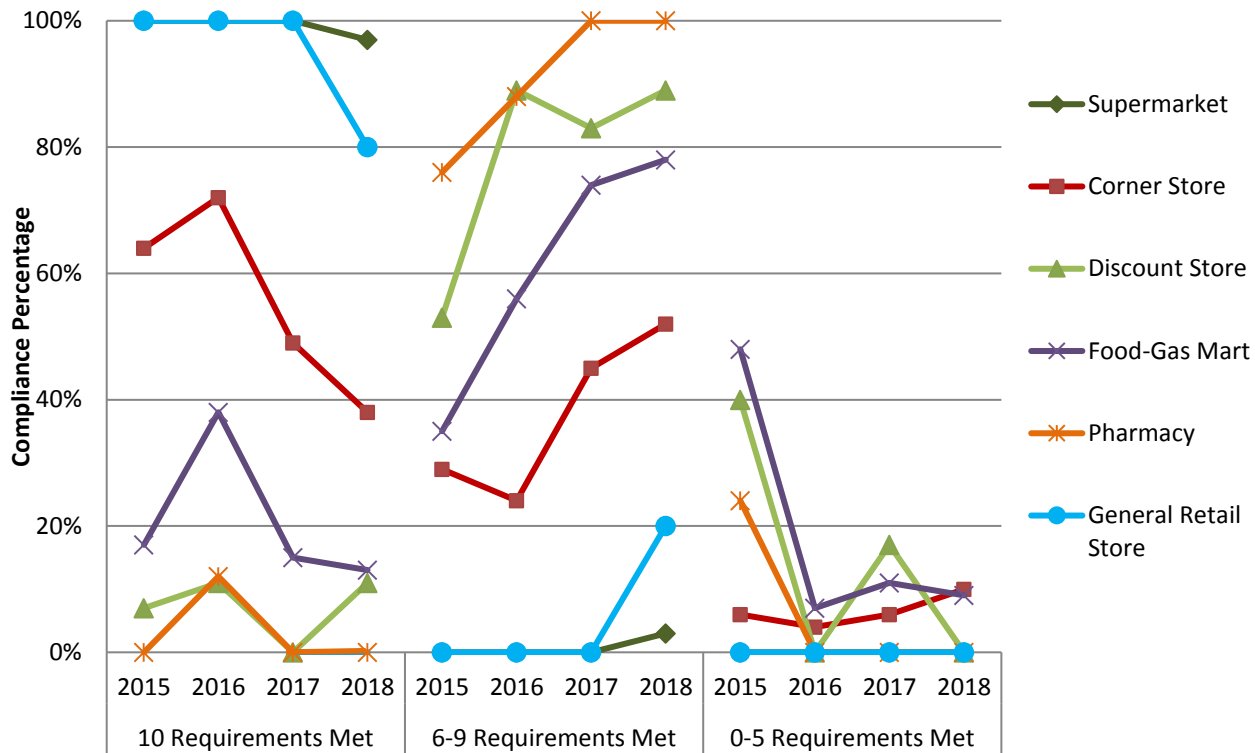
	Supermarket	Corner Store	Discount Store	Food-Gas Mart	Pharmacy	General Retail Store
10 requirements met	97%	38%	11%	13%	0%	80%
6-9 requirements met	3%	52%	89%	78%	100%	20%
0-5 requirements met	0%	10%	0%	9%	0%	0%

Note: Percentages may not equal 100% due to rounding.

Results: Compliance trends over time by store type (2015-2018)

Comparing data from 2015 to 2018, compliance with the Staple Foods Ordinance decreased across all store types except for discount stores. All store types showed an increase, or remained the same, in the number of stores meeting between six and nine requirements. All stores showed a decrease in the number of stores meeting five or fewer requirements, except for corner stores. Figure 1 shows compliance rates by store type from 2015-2018.

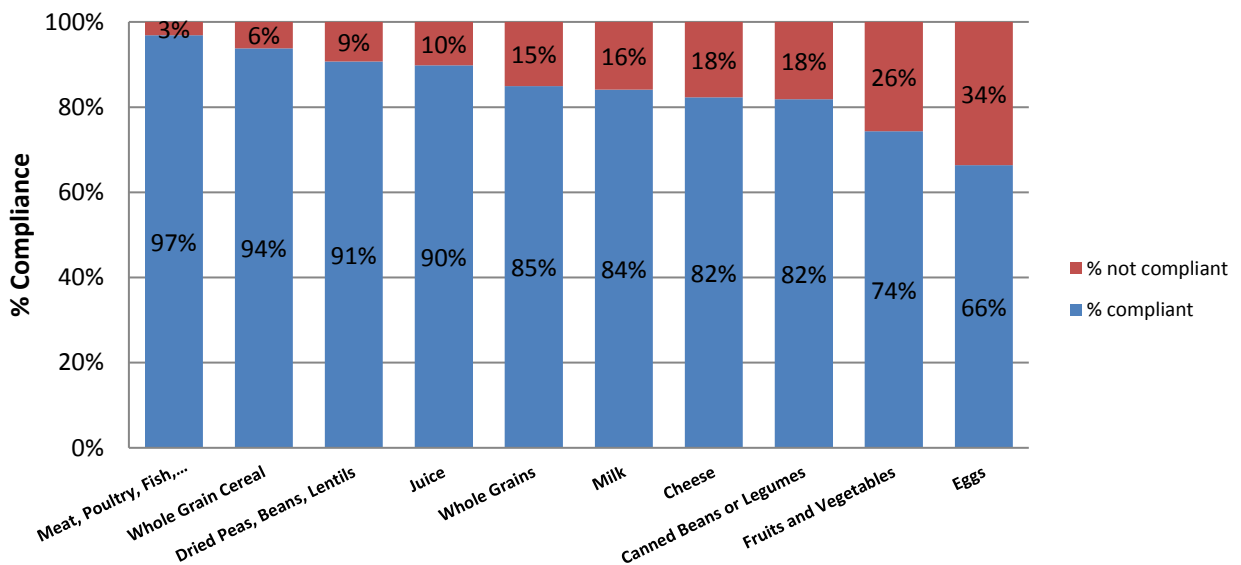
Figure 1: Compliance rates by store type, 2015-2018



Results: Compliance by staple food category

2018 compliance rates varied by staple food category, with the highest compliance in the Meat, Poultry, Fish and Vegetable Proteins category (97%), and the lowest compliance in the Eggs category (66%). Figure 2 shows compliance rates for each of the ten staple food categories.

Figure 2: Compliance rates by staple food category, 2018



Results: Compliance trends over time by staple food category (2015-2018)

From 2015 to 2018, there were increases in compliance with the following food categories: Meat, Poultry, Fish, and Vegetable Proteins; Whole Grain Cereal; Dried Peas, Beans, and Lentils; 100% Juice; Whole Grains; Fruits and Vegetables; Cheese; and Canned Beans or Legumes. The data show a decrease in compliance for the following food categories: Milk and Eggs. Table 4 shows how compliance rates by staple food categories changed from 2015 to 2018.

Table 4: Compliance by staple food category (2015-2018)

Food subcategory	2015 % Compliance	2016 % Compliance	2017 % Compliance	2018 % Compliance	% Change, 2015-2018
Meat, Poultry, Fish, and Vegetable Proteins	95%	96%	98%	97%	+2%
Whole Grain Cereal	88%	94%	92%	94%	+6%
Dried Peas, Beans, Lentils	75%	87%	91%	91%	+16%
100% Juice	89%	92%	87%	90%	+1%
Milk	91%	98%	85%	84%	-7%
Whole Grains	75%	86%	85%	85%	+10%
Fruits and Vegetables	68%	83%	80%	74%	+6%
Eggs	80%	98%	79%	66%	-14%
Cheese	78%	88%	78%	82%	+4%
Canned Beans or Legumes	73%	88%	77%	82%	+9%

Results: Compliance by staple food category and store type

2018 compliance rates for each staple food category varied by store type as outlined below as well as in Table 5 and Figure 3.

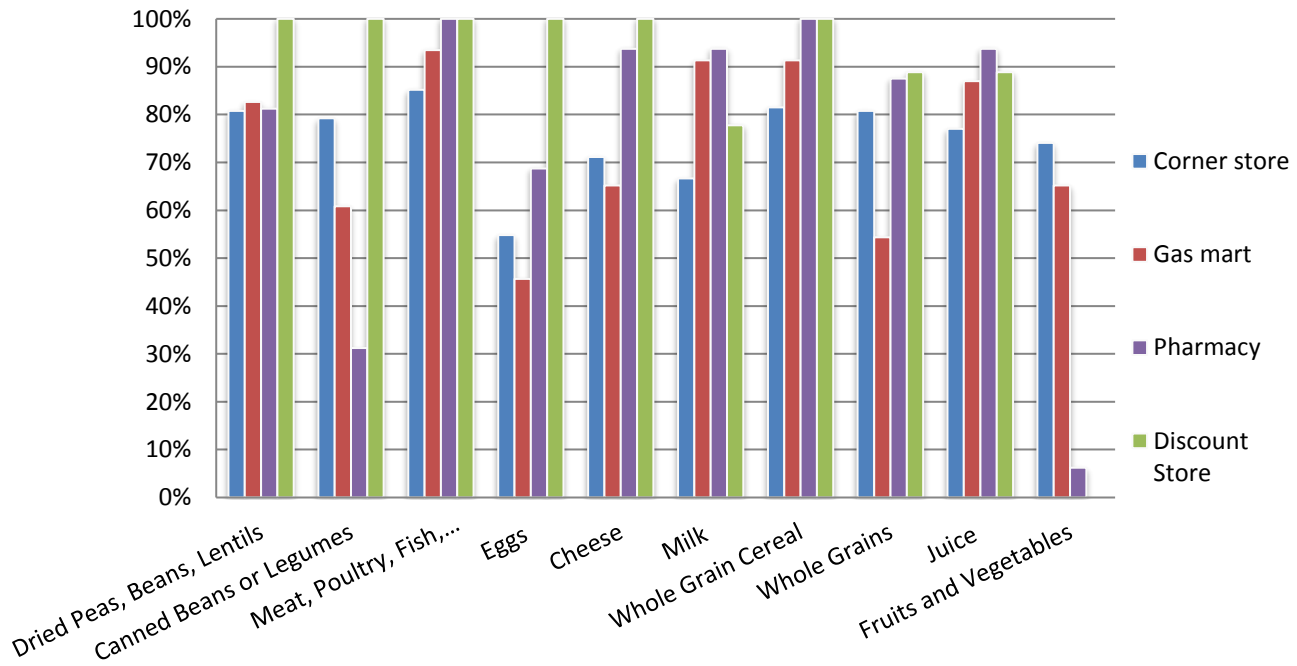
- **Corner Stores:** These stores demonstrated highest compliance in the following categories: Meat, Poultry, Fish, and Vegetables Proteins (85%); Dried Peas, Beans, and Lentils (81%); Whole Grain Cereal (81%); and Whole Grains (81%). These stores demonstrated the lowest compliance with Eggs (55%) and Milk (67%).
- **Food-Gas Marts:** These stores demonstrated the highest compliance in the following categories: Meat, Fish, Poultry, and Vegetable Proteins (93%); Milk (91%); and Whole Grain Cereal (91%). These stores demonstrated the lowest compliance with Eggs (46%) and Whole Grains (54%).
- **Supermarkets:** These stores demonstrated 100% compliance except for Whole Grain Cereal (97%).
- **Pharmacies:** These stores demonstrated the highest compliance in the following categories: Meat/Vegetable Proteins (100%); Whole Grain Cereal (100%); and Juice (94%). These stores demonstrated the lowest compliance with Canned Beans or Legumes (31%) and Fruits and Vegetables (6%).

- **Discount Stores:** These stores demonstrated 100% compliance in all categories except for: Whole Grains (89%); Milk (78%); and Fruits and Vegetables (0%).
- **General Retail Stores:** These stores demonstrated 100% compliance in all categories except for Eggs (80%).

Table 5: Compliance by staple food category and store type, 2018

	Corner store (n=135)	Gas mart (n=46)	Supermarket (n=31)	Pharmacy (n=16)	Discount Store (n=9)	General retail store (n=5)
Dried Peas, Beans, Lentils	81%	83%	100%	81%	100%	100%
Canned Beans or Legumes	79%	61%	100%	31%	100%	100%
Meat, Poultry, Fish, and Vegetable Proteins	85%	93%	100%	100%	100%	100%
Eggs	55%	46%	100%	69%	100%	80%
Cheese	71%	65%	100%	94%	100%	100%
Milk	67%	91%	100%	94%	78%	100%
Whole Grain Cereal	81%	91%	97%	100%	100%	100%
Whole Grains	81%	54%	100%	88%	89%	100%
Juice	77%	87%	100%	94%	89%	100%
Fruits and Vegetables	74%	65%	100%	6%	0%	100%

Figure 3: Compliance by staple food category and store type, 2018



Discussion

The main goal of the Staple Foods Ordinance is to improve the availability of nutritious foods in licensed grocery stores across the city, especially fresh fruits and vegetables and whole grains which are critical components of a healthy diet. Having more nutritious foods consistently available at a variety of neighborhood retail outlets helps ensure that residents can easily find healthy foods despite barriers such as lack of access or transportation to a full service grocery store. Although overall compliance has decreased since 2015, there were some positive trends in eight out of the 10 staple food categories including:

- Dried Peas, Beans, and Lentils (compliance increased from 75% to 91%);
- Whole Grains (compliance increased from 75% to 85%);
- Canned Beans or Legumes (compliance increased from 73% to 82%);
- Fruits and Vegetables (compliance increased from 68% to 74%);
- Whole Grain Cereal (compliance increased from 88% to 94%);
- Cheese (compliance increased from 78% to 82%);
- Meat, Poultry, Fish and Vegetable Proteins (compliance increased from 95% to 97%);
- 100% Juice (compliance increased from 89% to 90%).

There were two staple food categories where a decrease was observed from 2015-2018 including:

- Milk (compliance decreased from 91% to 84%);
- Eggs (compliance decreased from 80% to 66%).

Possible reasons for lower than expected compliance rates in 2018 may be attributed to a number of factors including:

- Challenges with real/perceived consumer purchasing patterns and cultural dietary preferences.
 - Reluctance to stock certain food items when they do not observe their customers purchasing those products or when they thought that customers' cultural diets did not align with the requirements
- Stores stock acceptable varieties, but not acceptable sizes of staple foods
 - e.g. Extra-large eggs instead of Large and 1qt containers of milk alternatives instead of half-gallon or gallon containers
- Small-scale supply chain issues
 - Few options exist for affordable small-scale fresh produce procurement beyond Brightside Produce
- Enforcement
 - There are no significant consequences for non-compliance or incentives to encourage compliance.
- Inventory management
 - Certain staple food items proved popular with their customers, therefore they would sell out quickly and the items were not restocked at the time of their compliance visit.

- Equipment/Refrigeration
 - Perishable items, such as milk, cheese, and eggs, can also be more challenging to stock because of the need for expensive refrigerated equipment and regular inventory rotation/culling.
- Food waste/spoilage
 - Concerns about fresh produce spoiling before it can be sold and the resulting loss in revenue as a reason for not complying with the ordinance.

Conclusions

Although there was positive incremental progress within certain staple food categories and store types, overall compliance was lower than expected in 2018. Going forward, MHD staff will focus on the following strategies to improve compliance, in addition to continuing to explore opportunities for more rigorous enforcement in partnership with regulatory staff:

Technical assistance for existing stores: MHD will continue to support existing stores by providing assistance with inventory management and identifying culturally appropriate foods that meet ordinance requirements, helping stores apply for WIC or SNAP/EBT authorization, providing financial support to purchase refrigeration equipment to stock perishable items, and connecting stores to other City small business resources such as low-interest loans for façade improvement or energy efficiency upgrades. Specifically, MHD staff promote the City of Minneapolis Green Business Refrigeration Program for small business store owners, a program to help identify potential improvements that save energy and money via energy-efficient upgrades. In addition, MHD staff help promote the [Minnesota Good Food Access program](#), a grant program to help stores in underserved communities make physical improvements and purchase equipment.

Education and training for new stores: MHD staff will work to identify stores that are applying for a new grocery license or undergoing significant renovations. By working with store owners before their store is opened or renovated, it will be easier to set up the store environment and business practices to accommodate staple foods instead of considering them as an afterthought once the business is operational.

Financial incentives for consumers: Based on lessons learned from the implementation and evaluation of the Market Bucks incentive program at Minneapolis farmers markets, MHD and community partners are exploring different types of financial incentives designed to encourage retail store customers to purchase fruits and vegetables, especially low-income residents using food assistance.

Modifications to the ordinance language: Throughout 2018, MHD staff, informed by ongoing research from the University of Minnesota School of Public Health and from community and store owner feedback, explored possible modifications to the ordinance language to improve impact and effectiveness. The findings were used to inform changes to the ordinance that were adopted by the Minneapolis City Council in December 2018. These changes provide store owners the flexibility to stock a greater variety of staple foods that meet their customer’s dietary preferences by: 1) combining similar categories to reduce the total number from ten to six; 2) reducing the required quantities within some categories; and 3) expanding acceptable varieties and packages sizes in other categories.

For additional information:

Minneapolis staple foods ordinance website: www.minneapolismn.gov/staplefoods

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Appendix A: Minneapolis Staple Foods Ordinance requirements

1. **Milk:** Five (5) gallons of unsweetened, unflavored, fluid cow's milk in up to a gallon or half-gallon containers in any combination of at least two of the following varieties: skim or nonfat, one percent (1%), or two percent (2%), or "plain" or "original" soy milk or other milk alternatives.
2. **Cheese:** Six (6) pounds of cheese in packages of at least one half pound (8 ounces) each, in any combination of at least three (3) varieties, not including processed cheese products.
3. **Eggs:** Six (6) one dozen (12) containers of fresh large-size eggs.
4. **Meat and vegetable protein sources:** at least three (3) varieties of meat, poultry, canned fish packed in water, or vegetable proteins such as nut butter and/or tofu. Nut butters can be up to eighteen (18) ounces in size and are not to contain any other food product such as jelly, jam, chocolate or honey.
5. **Fruits and vegetables:** Thirty (30) pounds or fifty (50) items total of fresh and/or frozen fruits and vegetables that do not contain added ingredients including sweeteners, salt, sauces, or seasonings, in at least seven (7) varieties, with at least five (5) varieties that are fresh and perishable, and with no more than fifty percent (50%) of the total selection being from a single variety.
6. **Juice:** Six (6) containers of any combination of the following, as long as at least two (2) containers are one hundred percent (100%) citrus juice, (orange, grapefruit or orange/grapefruit), in any combination of the following types:
 - Eleven and one-half (11 1/2) to twelve (12) ounce containers of pure and unsweetened frozen or non-frozen concentrate one hundred percent (100%) juice; or
 - Fifty-nine (59) ounce or larger containers of pure and unsweetened one hundred percent (100%) juice.
7. **Whole Grain Cereal:** Four (4) boxes or bags twelve (12) ounces or larger of whole grain cereal or cereal grains in any combination of at least three (3) varieties.
8. **Whole Grains:** Five (5) pounds of whole grains of at least three (3) varieties such as bread, corn tortillas, brown rice or oatmeal.
9. **Canned Beans:** One hundred ninety-two (192) ounces of canned beans or legumes, in any combination of at least three (3) varieties.
10. **Dried Peas, Beans, Lentils:** Four (4) packages, up to sixteen (16) ounces in size, of dried beans, peas or lentils without any added ingredients.

Appendix B: Staple Foods Ordinance assessment tool

Requirement	Meets requirement?	
	Yes	No
1. Dried Peas, Beans, Lentils (without any added ingredients): <input type="checkbox"/> In packages up to sixteen (16) ounces <input type="checkbox"/> Four (4) packages	<input type="checkbox"/>	<input type="checkbox"/>
2. Canned Beans or Legumes: <input type="checkbox"/> At least three (3) varieties <input type="checkbox"/> One hundred and ninety-two (192) ounces	<input type="checkbox"/>	<input type="checkbox"/>
3. Meat, Poultry, Fish, and Vegetable Proteins (tofu, nut butter): <input type="checkbox"/> At least three (3) varieties	<input type="checkbox"/>	<input type="checkbox"/>
4. Eggs (fresh, large size): <input type="checkbox"/> In one-dozen (12) containers <input type="checkbox"/> Six (6) containers	<input type="checkbox"/>	<input type="checkbox"/>
5. Cheese (not including processed cheese products): <input type="checkbox"/> At least three (3) varieties <input type="checkbox"/> In packages of at least eight (8) ounces <input type="checkbox"/> Totaling six (6) pounds	<input type="checkbox"/>	<input type="checkbox"/>
6. Milk (unsweetened, unflavored, fluid): <input type="checkbox"/> At least two (2) of the following varieties: skim or nonfat, 1%, or 2%, or “plain” or “original” milk alternatives including but not limited to soy milk <input type="checkbox"/> In gallon or half-gallon containers <input type="checkbox"/> Totaling five (5) gallons	<input type="checkbox"/>	<input type="checkbox"/>
7. Whole Grain Cereal or Cereal Grains (whole grain first ingredient): <input type="checkbox"/> At least three (3) varieties <input type="checkbox"/> In boxes or bags of at least twelve (12) ounces <input type="checkbox"/> Four (4) boxes or bags	<input type="checkbox"/>	<input type="checkbox"/>
8. Whole Grains: <input type="checkbox"/> At least three (3) varieties such as bread, corn tortillas, brown rice or oatmeal <input type="checkbox"/> Five (5) pounds of whole grains	<input type="checkbox"/>	<input type="checkbox"/>
9. Juice (pure and unsweetened): <input type="checkbox"/> 11.5-12-oz containers (concentrate) AND/OR 59-oz containers (liquid) of 100% juice <input type="checkbox"/> Six (6) containers <input type="checkbox"/> At least two (2) of which must be citrus juice	<input type="checkbox"/>	<input type="checkbox"/>
10. Fruits and Vegetables (not including canned): <input type="checkbox"/> At least seven (7) varieties <input type="checkbox"/> Including at least five (5) varieties that are fresh and perishable <input type="checkbox"/> Thirty (30) pounds or fifty (50) items of fresh or frozen fruits and vegetables <input type="checkbox"/> No more than 50% of the total selection being from a single variety	<input type="checkbox"/>	<input type="checkbox"/>