



January 7, 2014

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

SUBJECT: WIC Policy Memorandum # 2014-1A
Clarification on Medical Documentation for Infant Formula Issued in Food
Packages I and II

TO: Regional Directors
Special Nutrition Programs
All Regions

WIC State Agency Directors
All Regions

This policy memorandum is an addendum to WIC Policy Memorandum # 2014-1, *Changes to Abbott Infant Formula Product Line*, issued on December 4, 2013. Several WIC State agencies have requested clarification on the medical documentation requirements for infant formula issued in Food Packages I and II. Therefore, this policy memorandum provides the requested clarification.

Medical Documentation Requirements

Federal WIC regulations at 7 C.F.R. 246.10(d)(2)(ii) provide a WIC State agency the discretion to require medical documentation for any contract brand infant formula, other than the primary brand, that it chooses to authorize for issuance, and to decide whether some contract brand infant formula is issued under any circumstances. Additionally, medical documentation is **required** for the issuance of any noncontract brand infant formula and for any contract brand infant formula that does not meet the requirements of Table 4 of 7 C.F.R. 246.10(e)(12).

Qualifying Conditions for Issuance of Infant Formula

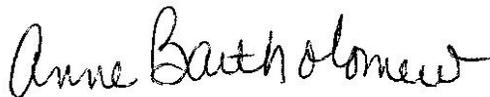
WIC Food Packages I and II are intended for infant participants who do not have a condition qualifying them to receive Food Package III.

Both Food Packages I and II provide primary contract brand milk and soy-based infant formulas that meet the minimum nutrient requirements of Table 4 of 7 C.F.R. 246.10(e)(12). At State agency option, the issuance of alternative infant formulas may be authorized to accommodate a variety of infant conditions that do not require the use of exempt infant formulas, consistent with Federal WIC regulations, State agency policies, and infant formula rebate contract agreements with manufacturers. Such infant conditions include, but are not limited to: documented infant formula intolerances, food allergies or inappropriate growth patterns. WIC regulations will be revised to reflect this technical clarification.

In contrast, the WIC formulas (i.e. infant formula, exempt infant formula and WIC-eligible medical foods) prescribed to Food Package III participants provide nutritional support for specific conditions that are clinically serious or life-threatening, and are generally required for long periods of time. Examples of authorized and non-authorized qualifying conditions for the issuance of Food Package III are stated in 7 C.F.R. 246.10(e)(3)(i-ii) of WIC regulations.

WIC State agencies must determine the qualifying conditions authorized in their Program for the issuance of infant formula requiring medical documentation, in accordance with Federal WIC regulations.

Please contact your respective Regional Office with any questions about the authorization, issuance and rebate of infant formula.

 for

DEBRA R. WHITFORD
Director
Supplemental Food Programs Division