

The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

UNITED STATES DEPARTMENT OF AGRICULTURE
Food and Nutrition Service
3101 Park Center Drive
Alexandria, VA 22302

FNS INSTRUCTION 800-2

ACTION BY: Regional Offices
State Agencies

INFORMATION FOR: Field Offices



WIC Program--Use of WIC Acronym and Logo

I PURPOSE

This Instruction provides guidance on when, how, and by whom the acronym and the logo for the WIC Program may be authorized for use.

II AUTHORITY

Authority to regulate the use of the acronym "WIC" and the WIC logo are provided in 42 U.S.C. 1786, 15 U.S.C. 1051 et seq., and 7 CFR Part 246. The acronym "WIC" was registered with the U.S. Patent and Trademark Office on January 1, 1991, Registration Number 1,630,468, and the WIC logo was registered on April 16, 1991, Registration Number 1,641,644.

III ABBREVIATIONS

CFR - Code of Federal Regulations
FNS - Food and Nutrition Service
SFPD - Supplemental Food Programs Division
U.S.C. - United States Code
WIC Program - Special Supplemental Food Program for Women, Infants and Children

IV BACKGROUND

The acronym "WIC" was coined and first used by the Department in January 1974. The WIC logo, a stylized representation of a woman holding an infant in her arm and a child by the hand, was designed and first used by the Department as early as 1979. The WIC acronym and logo are used on Departmental and State/local agency brochures, leaflets, posters, guides, manuals, directories, reports, and food instruments.

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It has been ongoing Departmental policy to discourage industry from using the WIC acronym or logo on products in order to avoid certain difficulties that have been encountered in the past. For example: products have appeared in food stores with the statement "WIC-approved" on the package in States where the product was not approved for WIC. The manufacturer erroneously assumed that because the product was approved in one State that it was approved in other States. This creates problems for both WIC participants and vendors. The WIC acronym or logo has also appeared on materials produced by a company along with the name of the company and its product. This may be misconstrued as an endorsement of the product by the Department.

V OFFICIAL USE

Use of the acronym "WIC" and the WIC logo, including close facsimiles thereof, in total or in part, is reserved for the official use of the WIC Program. Such official use is restricted to purposes consistent with WIC Program regulations, FNS Instructions, and policies. Materials which display WIC identifiers will be used primarily for identification, public notification, and outreach purposes.

The WIC acronym and logo may be used by offices administering the WIC Program at the national, regional, State, and local levels. These symbols may be used on such types of communication as letters, leaflets, brochures, bulletins, posters, newspapers, radio and television announcements, guides, manuals, directories, studies, reports, food instruments, forms, such as certification forms used by local agencies, and initiatives, such as "WIC Immunization Initiative." In addition, business or calling cards commercially prepared at employee expense for employees of the WIC Program may depict the WIC acronym and logo. This list of uses is not all-inclusive; there may be several other ideas for use, particularly in the design of outreach materials, such as on T-shirts, drinking cups, etc.

FNS reserves the right to approve any uses of the WIC acronym or logo; and any uses that are considered inappropriate shall be discontinued.

VI FOR PROFIT USE

A For Profit Organizations. For profit organizations are those organizations that are not exempt from taxation under Federal law, including manufacturers and contractors. These organizations are not permitted to display the acronym "WIC" or the WIC logo, including close facsimiles thereof, in total or in part, on product labels or packages, or any proprietary materials they might

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produce, including pamphlets and brochures produced as public service information items. The purpose of this restriction is to limit the use of the WIC acronym and logo by companies in promotional activities involving their products.

Food manufacturers, for example, should not be granted use of the identifiers because WIC-approved foods are different from State to State, and they change over time. Contracts with food manufacturers should state that such businesses are not permitted to use the acronym or logo. Any existing contracts should be amended accordingly. It is strongly suggested that WIC State agencies share this Instruction with food manufacturers and distributors whose products are on their WIC-Approved Food Lists so they are aware of limitations on the use of the WIC acronym and logo.

An exception to the above restriction involves for profit organizations that are under contract with the WIC Program. For profit organizations (excluding food manufacturers, as discussed above) may be authorized by the WIC Program to use the WIC acronym and logo on products produced under contract with the WIC Program at the Federal, State, or local level.

For instance, a firm assisting FNS or State agencies in the development of a management information system could use the identifier, since the term "WIC" is critical in describing the application of the software. FNS retains its ownership of the WIC acronym and logo. The contract does not transfer ownership of the WIC acronym or logo to the contractor. WIC State agency contracts with for profit organizations other than food manufacturers should specify the permitted uses to assist the State agency's monitoring and control of usage.

B WIC Food Vendors. In a standard food vendor contract or agreement, WIC State agencies have the discretion to authorize WIC vendors to use the acronym "WIC" and/or the WIC logo for the following purposes:

1 To identify the retailer as an authorized WIC food vendor.

2 To identify authorized WIC foods by attaching channel strips or shelf-talkers stating "WIC-approved" or "WIC-eligible" to grocery store shelves.

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A WIC food vendor is not permitted, without specific State agency authorization, to use either the acronym "WIC" or the WIC logo, including close facsimiles thereof, in total or in part, either in the official name in which the vendor is registered or in the name under which it does business, if different. The purpose of this *restriction* is to avoid giving the impression to participants that the business is owned and operated by the WIC State-agency and/or that the business is officially endorsed and preferred by the State. In the event of dispute, determination as to whether a vendor's acronym or logo is impermissibly similar to the WIC acronym or logo shall be made by the WIC State agency, which shall respond in writing to the WIC food vendor as to its findings in the matter.

FNS reserves the right to overrule the State agency and withdraw authorization to use the WIC acronym or logo, based on a valid complaint or discovery of inappropriate use.

VII NONPROFIT USE

Nonprofit organizations are those organizations that are exempt from taxation under Federal law, including charitable and educational organizations. These organizations may be permitted to use the acronym "WIC" and the WIC logo for noncommercial educational purposes when such use is essentially as a public service and will, in the judgment of the WIC Program, contribute to public information and education concerning the program, under the following conditions:

A National/Regional Level. All requests for use of the WIC acronym or logo by national or regional nonprofit organizations must be submitted to SFPD in writing with a copy/sample of the way in which it will be used. SFPD shall respond in writing whether such use is authorized.

The National Association of WIC Directors, a nonprofit organization dedicated to overall improvement of the WIC Program through effective management practices, may continue to use the WIC acronym and logo. This Instruction is not intended to restrict the continued use of the acronym or logo by other public interest and advocacy groups, but such use must be clearly stated as not implying endorsement by or representation of the Department.

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B State/Local Level. All requests for use of the WIC acronym or logo by nonprofit organizations within the jurisdiction of a specific State agency (excluding those that have been previously approved at the national/regional level) must be submitted to the WIC State agency in writing with a copy/sample of the way in which it will be used. The State agency shall respond in writing whether such use is authorized.

State agencies are not required to seek FNS approval prior to authorizing use of the identifier by nonprofit organizations at the State or local level. FNS reserves the right, however, to overrule the State agency based on a valid complaint or discovery of inappropriate use.

VIII UNAUTHORIZED USE

Any person who uses the acronym "WIC" or the WIC logo in an unauthorized manner, including close facsimiles thereof, in total or in part, may be subject to injunction and the payment of damages. Any person who is aware of violators should provide the information to the SFPD.



ROBERT E. WASHINGTON
Deputy Administrator
for Special Nutrition Programs