

## Food and Nutrition Service (FNS)

# WIC Food Packages State Agency Frequently Asked Questions

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\* = New or Updated as of 3/1/2016

### BREAD AND WHOLE GRAINS

*Updated 3/1/2016*

\* **B1. What are some of the ingredients that are allowed for corn tortillas?**

Corn tortillas made from ground corn or corn flour using traditional processing methods are WIC-eligible. Examples of primary ingredients meeting the WIC-eligibility criteria include whole corn, whole ground corn, whole corn flour, and white corn flour. FNS recognizes that a small loss of corn kernel occurs during the traditional processing of tortillas, and therefore, such tortillas are not considered whole grain. FNS encourages State agencies to authorize corn tortillas that have whole corn listed as their primary ingredient. However, if the market availability of such corn tortillas is limited, FNS will allow State agencies to authorize corn tortillas made from ground corn or corn flour using traditional processing methods, due to the high participant acceptance of corn tortillas, especially among Hispanic cultures.

**B2. Can oatmeal be issued as a cereal and also as a whole grain option?**

Yes, oatmeal may be issued as both a cereal and a whole grain. The maximum allowances are different for oatmeal in the cereal category versus the grain category. Oatmeal provided in the cereal category must meet the iron and sugar requirements for cereal. Oats provided as a whole grain option may not contain added sugars, fats, oils, or salt.

**B3. Do State agencies have to offer bread or can a State agency choose to offer only the whole grain options?**

State agencies must offer whole wheat or whole grain bread. It is a State agency option to authorize the whole grain options.

**B4. Are whole grain breads with added fruit, nuts and seeds allowed in the WIC Program?**

Yes, whole wheat and whole grain breads with added fruit, nuts, and seeds are allowed provided they meet the WIC minimum Federal requirements for whole grain bread in Table 4 of 7 CFR 246.10(e)(12). The minimum Federal requirements for whole grain breads do not prohibit the addition of fruit, nuts, and seeds. However, State agencies are reminded that Section 246.10(b)(1)(i) allows the State to establish criteria in addition to the minimum Federal

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requirements for WIC supplemental foods; therefore State agencies may choose to disallow breads with added fruit, nuts, or seeds.

**B5. Would a 16 ounce whole wheat pasta product with “whole wheat semolina” listed as the only ingredient in the product meet the requirements for whole wheat macaroni (pasta) products in WIC regulations?**

Since there is no Food and Drug Administration (FDA) standard of identity (SOI) for the ingredient whole wheat semolina, more information is needed to determine if this product meets the WIC Federal requirements for a whole wheat macaroni product. Does the product label contain one of the following FDA SOI titles: “whole wheat macaroni product,” “whole wheat spaghetti,” “whole wheat vermicelli,” or “whole wheat macaroni?” If the answer is yes, and there are no added sugars, fats, oils or salt in the product, then the product is WIC-eligible. If the product label does not contain a FDA SOI title for a whole wheat macaroni product, then a State agency must ask the manufacturer to confirm if their product meets the FDA SOI for whole wheat macaroni product. Meeting the FDA SOI for whole wheat macaroni product will confirm that the product contains whole wheat flour.

**B6. Does the “first ingredient” requirement no longer apply to whole wheat tortillas?**

The final food package rule removes the requirement that “whole grain must be the primary ingredient by weight” for whole wheat tortillas, however it adds the requirement that “whole wheat flour must be the only flour listed in the ingredient list.” Therefore, based on WIC Federal regulations, it is allowable that another ingredient, such as water, be listed as the first ingredient in the whole wheat tortilla.

**B7. Does the “first ingredient” requirement no longer apply to corn tortillas?**

The final food package rule removes the requirement that “whole grain must be the primary ingredient by weight” for corn tortillas. FNS encourages State agencies to authorize corn tortillas that have whole corn listed as their primary ingredient. However, if the market availability of such corn tortillas is limited, FNS will allow State agencies to authorize corn tortillas made from corn flour using traditional processing methods, due to the high participant acceptance of corn tortillas, especially among Hispanic cultures. Therefore, based on WIC Federal regulations it is allowable for another ingredient, such as water, be listed as the first ingredient in the corn tortilla.

**B8. Is whole wheat bread with soy flour and other non-whole wheat flours listed way down in the ingredient list, yet is labeled 100% whole wheat bread, eligible?**

The FDA Standard of Identity (SOI) for whole wheat bread (21 CFR 136.180) allows for certain other optional ingredients in small amounts, including other non wheat flours. As long as the products meet the SOI for whole wheat bread, they remain eligible for use in the WIC Program.

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**\* B9. Are State agencies able to provide the 13.25 ounce whole wheat macaroni (pasta) products that are more commonly available in the market place?**

WIC Federal regulations require that State agencies authorize container sizes that provide the full maximum monthly allowances of authorized supplemental foods on the State food list. This does not apply to infant food or infant formula since rounding up is authorized in order to provide the full nutritional benefit for infants. While FNS understands that the marketplace may take some time to more abundantly produce WIC-eligible whole wheat macaroni products in 16 ounce package sizes to respond to the new provision in the WIC Program, FNS has identified several national brands that currently meet the WIC Federal requirements for whole wheat macaroni products. The products are listed in the chart below (this list was last reviewed February 2016 and information may change):

<b>Bionaturae Organic</b> , Whole Wheat Spaghetti; Whole Wheat Fusilli
<b>Gia Russa</b> , 100% Whole Wheat Thin Spaghetti
<b>Bella Terra</b> , 100% Whole Wheat Spaghetti
<b>Hodgson Mill</b> , Whole Wheat Whole Grain Thin Spaghetti; Whole Wheat Whole Grain Angel Hair; Whole Wheat Whole Grain Elbows; Whole Wheat Spirals; Whole Wheat Whole Grain Lasagna
<b>Racconto</b> , Whole Wheat Penne; Whole Wheat Farfalle; Whole Wheat Angel Hair; Whole Wheat Linguine
<b>Simply Balanced</b> , Whole Wheat Penne, Whole Wheat Rigata; Whole Wheat Spaghetti
<b>Westbrae</b> , Whole Wheat Spaghetti
<b>Delallo, Organic Whole Wheat:</b> Acini Di Pepe, Capellini, Elbows, Farfalle, Fettuccine, Fusilli, Fusilli Bucati, Gemelli

**\* B10. Does each brand of whole wheat and corn tortilla need to be listed on the food card?**

Yes. Given that the number of eligible whole wheat tortillas is not as extensive as whole wheat bread, State agencies must continue to specify the brands and names of authorized whole wheat and corn tortillas on the food card to ensure participants choose the authorized food. Furthermore, unlike whole wheat bread, there is no FDA standard of identity for the nomenclature “tortilla.” As such, State agencies must ensure that foods available to participants meet the intent of WIC Federal regulations.

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**BF1. Can infant formula amounts in the fully formula fed packages for infants who are “combo” feeding but require more formula than is allowed under the partially breastfed infant food packages be “tailored down” to meet the specific needs of the infant?**

Yes, WIC staff are expected to tailor the amount of infant formula based on the assessed needs of the breastfeeding infant and provide the minimal amount of formula that meets but does not exceed the infant’s nutritional needs. The maximum monthly allowance is rarely warranted. WIC regulations at 7 CFR 246.10(b)(2)(ii)(C) clarify that food package quantities are to be issued based on assessment of each participant’s individual breastfeeding and nutritional needs.

The food packages for partially (mostly) breastfed mothers and infants are designed to provide for the supplemental nutrition needs of the breastfeeding pair, provide minimal formula supplementation to help mothers maintain milk production, and provide incentives for continued breastfeeding by way of a larger variety and quantity of food than the full formula/postpartum packages. FNS emphasizes that the benefits of the partially breastfed food packages are lost if the breastfeeding mother-infant pair is issued the full formula /postpartum packages. Appropriate support and counseling should be provided to mothers to minimize the number of breastfeeding infants receiving the full formula packages.

**BF2. For a partially breastfeeding mother of twins--if both infants are receiving over the maximum allowed for a partially breastfed infant--what package would the mother be entitled to receive? If the infants are over 6 months of age, would she get no food at all, even though she will still be breastfeeding?**

If the infants are under 6 months of age, the mother would receive Food Package VI. If the infants are over 6 months of age, the mother would not receive a food package but would continue to receive other WIC benefits, such as nutrition education and health care referrals.

**BF3. Is a breastfeeding woman whose infant over 6 months of age receives the full formula package eligible for Farmers Market Nutrition Program coupons?**

Yes.

**BF4. What happens if one twin is getting over the maximum formula allowed for a partially breastfed infant, and the other infant is getting less than the maximum? Which food package should the mother be issued?**

The mother is issued Food Package V because one of her infants qualifies to receive the partially breastfeeding package. The partially (mostly) breastfed food packages are designed to provide for the supplemental nutrition needs of mothers who are feeding mostly breastmilk to their infants and to provide incentives for continued breastfeeding.

**BF5. In Food Package VII, would “breastfeeding multiples” apply to a mother who is tandem nursing a 2 month old and an 11 month old?**

No. Food Package VII is issued to partially breastfeeding mothers who are breastfeeding multiple infants from the same pregnancy and whose infants receive formula from WIC in amounts that do not exceed the maximum formula allowance for partially breastfed infants. The Institute of Medicine recommended that these women be provided Food Package VII to meet their higher nutrient needs.

**BF6. How does a State agency offer 1.5 times the maximum allowance of authorized foods for women in Food Package VII who are fully breastfeeding multiple infants from the same pregnancy? Some foods do not lend themselves easily to the provision of “halves,” e.g., bread, peanut butter, dry beans, cheese.**

For women fully breastfeeding multiples only, State agencies are allowed to issue foods in Food Package VII in amounts averaged over a 2-month timeframe. This will eliminate concern about providing “half” of a food package. It is up to the State agency how to do this, but it shouldn’t be complicated, i.e., the State agency would issue double the “regular” fully breastfeeding package one month and the “regular” fully breastfeeding package the next month.

**BF7. If a fully or partially (mostly) breastfeeding mother becomes pregnant when her breastfed infant is 10 months old, can she continue to receive Food Package VII for as long as she continues to breastfeed this infant while she is pregnant?**

A fully or partially (mostly) breastfeeding mother who becomes pregnant can receive Food Package VII until the breastfed infant’s first birthday.

**BF8. If a mother becomes pregnant while breastfeeding, should she be recertified as pregnant while she is breastfeeding?**

Yes. Breastfeeding women who become pregnant need to be recertified as pregnant. They can receive Food Package VII until the breastfed infant’s first birthday.

**\*BF9. When a breastfeeding woman ceases to breastfeed, what are the appropriate procedures for certifying and issuing new food packages for the mother and her infant?**

As applies to all instances where a change in the WIC food package occurs, efforts should be made to ensure that food benefits are not over-issued by: 1) prorating the new food package, as appropriate; and 2) recovering all unused food instruments issued for subsequent months.

The eligibility status of a current WIC infant is not affected by a change in the infant’s mother’s eligibility status. Therefore, no rescreening of the infant’s eligibility is required during mid-certification. However, since the infant is no longer being breastfed, the appropriate infant food package containing formula should be prescribed in accordance with State agency guidelines.

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For a breastfeeding woman who ceases to breastfeed and who is more than 6 months postpartum, the local agency must remove her from the Program because she is no longer categorically eligible to participate. The local agency should provide a written notice to the participant advising her that WIC benefits will be terminated. This notice must be provided not less than 15 days before disqualification (7 CFR 246.7(j)(6)). If the participant requests a fair hearing as a result of the disqualification, the local agency must continue to provide food benefits (Food Package VI for the non-breastfeeding postpartum woman) until the hearing official reaches a decision or the certification period expires, whichever occurs first.

**\* BF10. What are the appropriate procedures if a fully breastfeeding woman requests formula in the first month and she has already used all of her food instruments for FPVII? Is it appropriate to issue formula to the infant, and if so how much?**

If the fully breastfeeding mother has used all of her food benefits, she may not receive another food package until the next benefit cycle. However, depending on State agency policy, her infant may receive an amount of formula based on the infant's assessed needs and the food package assigned, prorated for the number of days/weeks left in the cycle. The amount of formula issued to the infant is not determined by the amount of food the mother has already redeemed from her food benefit.

If a State agency uses its discretion to issue formula to an infant (previously recorded as a fully-breastfeeding infant) before the end of a benefit month, the mom and infant's participation status should reflect their initial status for the benefit month rather than being changed mid-month. Each participant is counted only once each month (based on food instrument(s) issued for the first date of their benefit month or those issued for their breastfeeding dyad partner). Any food instruments already issued for the next one or two benefit months would be voided and reissued with appropriate new food packages for both mom and infant. The participation status for both the mom and infant would change beginning with the next benefit month and would correspond with the food package issued for the next benefit month.

**\* BF11. What if the fully breastfeeding woman has redeemed *some* of her food instruments for FPVII, but not all of them, and requests formula?**

Decisions about policies surrounding breastfeeding status change are at the discretion of individual State agencies. When developing policies, a State agency should consider a number of issues, e.g., capabilities of its food instrument issuance system; administrative burdens and costs; medical and nutritional contraindications; burdens on participants; prevention of abuse; WIC as a supplemental program, etc.

When a change in the WIC food package occurs, efforts should be made to ensure that food benefits are not over issued by: 1) prorating the new food package, as appropriate, and 2) recovering all unused food instruments for the previous food package and food instruments issued for subsequent months.

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If the infant receives formula in the first month, then the mother is either changed to Food Package V for partially (mostly) breastfeeding mothers or Food Package VI for postpartum package, or no food package, depending on the amount of formula the infant receives and the age of the infant.

### **FOOD PACKAGE ASSIGNMENTS AND MULTIPLE BIRTHS OR PREGNANCIES**

**\* BF12. If a woman with multiple births from the same pregnancy is fully breastfeeding one of those infants and partially breastfeeding the other(s), can she receive Food Package VII?**

Yes. As long as at least one of the infants is fully breastfed (does not receive formula from WIC), the mother is issued Food Package VII.

**\* BF13. Can she receive 1.5 times the maximum allowance of foods in Food Package VII?**

No. Only women fully breastfeeding more than one infant from the same pregnancy are issued 1.5 times the maximum allowance of foods in Food Package VII.

### **SAME SEX COUPLES**

**\* BF14. A same sex couple has a baby they are both breastfeeding. The household is WIC eligible. Are both women eligible to receive WIC benefits as partially breastfeeding women participants? If the baby is being fully breastfed (between the two moms) is the baby eligible for a fully breastfeeding infant package with increased baby foods?**

Only one woman may be certified as breastfeeding per infant. If one mother is the birth mother and the other woman has been certified as breastfeeding the infant, then the birth mother can be certified as a postpartum woman and receive the postpartum package for non-breastfeeding women (up to 6 months postpartum). Policy Memo 96-1 “Non-Birth Mothers Certified as Breastfeeding Women” allows, at the State agency’s option, eligible non-birth mothers to be certified to participate in WIC as breastfeeding women. Therefore the non-birth breastfeeding woman could be certified as breastfeeding if she is otherwise eligible (and no other woman has already been certified as breastfeeding the same infant).

In a situation where two women are adoptive mothers, legal guardians, or serving as caretakers for a breastfed infant, but neither woman is the birth mother, only one woman can be certified as breastfeeding and receive benefits. The second woman cannot be certified based on the infant’s breastfed status.

If the infant is fully breastfeeding, i.e., not getting formula from WIC, then the infant and the woman who is certified as breastfeeding would both receive the fully breastfeeding food packages.

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**\* BF15. One partner delivered the baby and the other partner is currently attempting to start lactation in order to breastfeed the baby. The baby is currently on the WIC Program as a formula feeding infant and the mom who delivered receives the postpartum package. Can both moms receive WIC benefits – one receiving a postpartum package and the other receiving the breastfeeding package (partial or full) once lactation is established?**

Both women may be certified, if eligible. The birth mother would be certified as postpartum (up to 6 months), the non-birth woman as breastfeeding (up to 1 year). This assumes that the non-birth mother is breastfeeding and the infant is a WIC participant.

#### MOTHERS WHO DONATE MILK

**\* BF16. A WIC mother lost her baby at birth but wants to donate her milk to a milk bank. Can this WIC mother receive a breast pump from WIC to donate her milk? What category should this mother be recertified (breastfeeding or postpartum-non breastfeeding) if she is donating milk?**

WIC regulations at 7 CFR 246.2 define breastfeeding women as “women up to one year postpartum who are breastfeeding *their infants*” (“their infants” was interpreted in policy memorandum #96-1 “Non-birth Mothers Certified as Breastfeeding Women” more broadly than having to be a biological infant, but the infant nonetheless has to be a WIC participant). Since this woman is sadly not breastfeeding a WIC participant baby, she is considered a non-breastfeeding postpartum woman and is therefore not eligible for a breast pump from WIC.

**\* BF17. If a breastfeeding woman (breastfeeding on average at least once a day) does not receive a food package because the infant is receiving a fully formula fed package, will that lower breastfeeding caseloads because State and local agencies cannot count the woman as breastfeeding on FNS Form 798?**

No. Refer to the FNS-798 instructions on FPRS on-line help. A woman who is breastfeeding at least once a day is counted as partially breastfeeding even if her infant is 6-12 months old and the woman is receiving no food package while the infant is receiving the fully formula fed package.

**\* BF18. How does a State agency handle issues regarding mothers who are pumping their milk for an infant not in their custody? For example, a mom who put up her baby in an open adoption and is pumping milk and giving to adoptive parents; an infant placed in foster care; an infant in custody of a grandparent.**

The answer to these questions depends on the WIC status of mom and baby. Both the mother and the infant have to be WIC participants even in situations where the WIC participant baby doesn't live with the WIC participant mother for reasons of adoption, surrogacy, fostering, or

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similar situations (for example, living with a grandparent). If a WIC participant woman is breastfeeding/pumping but her milk is being provided to a non-WIC baby, then the woman is eligible for a postpartum food package for 6 months and will count as a postpartum woman for that time. She should of course continue to receive breastfeeding support as appropriate while on WIC.

## **CASH-VALUE VOUCHERS (CVV)**

*Updated 3/1/2016*

### **CV1. May a participant pay the difference when the purchase of allowable fruits and vegetables exceeds the value of the fruit and vegetable voucher?**

Yes. 7 CFR 246.12(f)(4) requires State agencies to allow participants to pay the difference if the fruit and vegetable purchase exceeds the value of the CVV, a transaction known as “split tender.” This is a change from interim WIC regulations which allowed split tender at State agency option. FNS believes that split-tender transactions promote increased consumption of fruits and vegetables because participants are more likely to use the full cash value, rather than partially redeem the voucher for fear of exceeding its cash value. Since allowable WIC purchases would also be allowable SNAP purchases, a WIC participant who is also a SNAP recipient could opt to use SNAP benefits, cash or credit for payment of the price difference. Participants may not, however, be given cash or credit for any unused portion of the voucher.

### **CV2. Section 246.12(h)(3)(vi) requires that vendors ensure the purchase price is entered on the CVV, either by the checker or the participant. Is this necessary if the voucher is pre-printed with a dollar amount?**

Yes. A purchase price is needed even if the CVV is for a fixed dollar amount, since the actual purchase price may be less than the fixed dollar amount of the cash-value voucher.

### **CV3. If a CVV is used at a farmers’ market, does the farmer or farmers’ market need to collect a signature upon redemption?**

Yes, the farmer or farmers’ market must collect a signature upon redemption just as a vendor must collect a signature. Because the CVV can be used at either a farmers’ market or a grocery store, it is important that transaction procedures for participants are consistent for both farmers and vendors to avoid confusion.

### **CV4. Would the farmer or farmers’ market need to write in the exact dollar amount of the sale? Or could State agencies pay the farmer or farmers’ market the maximum amount of the CVV (and assume that the participant will get most if not all the value of the CVV)?**

Yes, the exact dollar amount of the sale must be written in on the CVV. The State agency has the discretion to determine whether the farmer, farmers’ market or participant enters the purchase price before the CVV is signed.

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**CV5. If the participant takes multiple CVVs to the check-out line, is each CVV considered a separate transaction?**

State agencies may permit the use of more than one CVV for one purchase. If, for example, two eight-dollar CVVs were used for one purchase of vegetables, one receipt would be sufficient. This is a State agency option; a State agency may also require that the use of each CVV be treated as a separate transaction. Regardless of which option is chosen, all of the information required by 7 CFR 246.12(f) must be provided on each CVV that is redeemed.

**CV6. Can sales tax be applied to purchases made with the CVV?**

No, sales tax may not be applied to purchases made with the CVV. However, if a participant's purchase of fruits and vegetables exceeds the amount of the CVV, the balance is subject to sales tax. If the participant pays the balance with SNAP benefits, the balance is not taxed.

**CV7. Can beans be purchased with the CVV?**

Refer to Table 4 of 7 CFR 246.10(e)(12) and its footnotes. Immature beans, fresh or in canned forms, can only be purchased with the CVV. Frozen beans (immature or mature) are also purchased with the CVV only. Beans purchased with the CVV may contain added vegetables and fruits, but may not contain added sugars, fats, oils, or meat as purchased.

Mature dry beans, peas, or lentils in dry-packaged or canned forms are separate food items under the legume category and can only be purchased via the regular food instrument. They may not contain added sugars, fats, oils, vegetables, fruits or meat as purchased.

**\* CV8. WIC Policy Memorandum #2015-4 increased the value of the CVV for pregnant, postpartum and breastfeeding women from \$10 to \$11. 7 CFR 246.10(e)(11) authorizes State agencies the option to substitute the CVV for jarred infant food fruit and vegetables for participants whose special dietary needs require the use of pureed foods. With the increase in the value of the CVV, what is the substitution rate for jarred infant food fruits and vegetables for women participants receiving Food Package III?**

The need for commercial jarred infant food fruits and vegetables in lieu of the CVV are determined by medical documentation that meets the criteria established in 7 CFR 246.10(d). The substitution rates for all Food Package III recipients are as follows:

- \$8 CVV for children = 128 oz. jarred infant food fruits and vegetables.
- \$11 CVV for Pregnant, Postpartum and Breastfeeding Women = 176 oz. jarred infant food fruits and vegetables.
- \$16.50 CVV for women eligible to received 1.5 times the \$11.00 women's CVV = 264 oz. jarred infant food fruits and vegetables.

In addition, purchasing fruits and vegetables via the CVV and then processing/pureeing the fruits and vegetables is another option that may be encouraged for participants depending upon their medical condition and nutritional needs assessment.

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## **CEREAL**

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**C1. How do State agencies count and consider the number of whole grain cereals versus total cereals? For different flavors of the same cereal, i.e., Honey Bunches of Oats, there are four flavors or varieties of this cereal - Honey Roasted, Almonds, Cinnamon and Vanilla. Is this counted as one or four?**

The State agency should first determine how many types of grains will be offered on their food lists—at least half must be whole grain. Different varieties/flavors of the same cereal could be offered, and counted separately, if they individually meet the nutrition/wholegrain requirements, but remember that the purpose is to offer a wide variety of grains. Different store brands of the same cereal, however, would count as **one** cereal.

## **FARMERS AND FARMERS' MARKETS**

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**F1. May a State agency authorize farmers or farmer's markets to accept the CVV if the State agency does not currently administer the WIC Farmers' Market Nutrition Program (FMNP)?**

Yes, any WIC State agency has the option to authorize farmers at farmers' markets to accept the CVV. 7 CFR 246.12(v) specifies the requirements regarding the authorization of farmers and farmers' markets. However, the requirements are designed to build on an FMNP infrastructure that already exists.

**F2. If a State agency authorizes farmers and farmers' markets to accept WIC CVVs, do the farmers need to be included in the TIP report?**

According to WIC Program definitions, farmers are not vendors and therefore would not need to be included in the TIP report.

**F3. Are authorized farmers included in the pool of vendors that must have compliance buys?**

No. Farmers and farmers' markets may be excluded from the WIC monitoring requirements provided they are included in the sample of farmers upon which the FMNP monitoring requirement is drawn. Under the FMNP, State agencies must do on-site reviews of a minimum of 10 percent of farmers and 10 percent of farmers' markets, which includes those farmers and markets identified as being the highest risk.

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**F4. If a State agency authorizes farmers to accept the F&V benefit, must redemptions be tracked via peer group like other vendors?**

The peer group requirements do not apply to farmers or farmers' markets. Further, State agencies do not need to track the CVV redemptions of vendors, farmers or farmers' markets to apply maximum allowable reimbursement levels per peer group.

**F5. Does the minimum stocking requirement of at least two different fruits and two different vegetables apply to farmers who are authorized to accept the CVV?**

No. The minimum stocking requirement does not apply to farmers authorized to accept the CVV. However, the intent of the CVV is to allow participants choice and variety. State agencies that authorize farmers to accept the CVV should consider issuing CVVs in small denominations so that participants may shop at multiple authorized farmers and farmers markets.

**F6. Can a State agency sign an agreement with a farmers' market rather than individual farmers as vendors?**

Yes, 7 CFR 246.12 to allow WIC State agencies to authorize farmers or farmers' markets to accept WIC CVVs, but such authorization is a State agency option.

**FRUITS AND VEGETABLES**

*Updated 3/1/2016*

**FV1. Can a State agency authorize only fresh fruits and vegetables?**

Yes. Both fresh fruits and fresh vegetables must be authorized by State agencies. However, if the State agency chooses to *only* authorize fresh fruits and fresh vegetables, it must assure that such a decision would not adversely impact participants, such as situations where droughts limit availability of produce and homeless individuals who may have no ability to properly store fresh produce. The State agency must also consider the impact such a decision would have on small vendors.

**FV2. Can a State agency authorize only processed fruits and vegetables?**

No. Both fresh fruits and fresh vegetables must be authorized by State agencies. At the State agency's option, processed fruits and vegetables (canned, frozen, dried) may be substituted when fresh produce is limited or to accommodate participants who prefer processed forms. For example, the State agency may establish a different minimum stock and variety requirement for small vendors versus larger vendors that allows small vendors to meet the requirement by solely stocking processed fruits and vegetables.

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**FV3. Can a State agency authorize processed fruit or processed vegetables (one or the other but not both)?**

Yes. State agencies may choose to authorize one or more of the following processed fruits and vegetables: canned fruit, canned vegetables, frozen fruit, frozen vegetables, dried fruit, or dried vegetables. State agencies must, however, offer both fresh fruits and fresh vegetables.

**FV4. Do State agencies have the authority to selectively choose which fruits or vegetables are available to WIC participants?**

In general, State agencies may not selectively choose which fruits and vegetables are available to participants. For example, if a State agency chooses to offer dried fruits, it must authorize all WIC-eligible dried fruits, i.e., those without added sugars, fats, oils, or sodium, and may not allow only a single variety of dried fruits.

State agencies may, however, invoke their administrative option at 7 CFR 246.10(b)(1)(i) to establish criteria in addition to the minimum Federal requirements in Table 4 of 7 CFR 246.10(e)(12), which could include restricting packaging (such as plastic containers) and package sizes (such as single serving) of processed fruits and vegetables available for purchase with the CVV. In addition, State agencies may identify specific types of certain processed WIC-eligible fruits and vegetables (e.g., salsas, tomato sauces, stewed and diced tomatoes) on their food lists if they believe there is cause for significant vendor and participant confusion in identifying specific items within those categories that are WIC-eligible. State agencies also have the option to allow only lower sodium canned vegetables for purchase with the cash-value voucher.

**FV5. Can State agencies disallow cut fresh fruit or vegetables, since Table 4 of 7 CFR 246.10(e)(12) says “whole or cut”?**

No. “Whole or cut” refers to the minimum requirement/specification of the fruit/vegetable, not the State’s ability to disallow one or the other. State agencies may not disallow cut fresh fruit or vegetables, except for those available for purchase on salad bars and party trays (refer to Table 4 of 7 CFR 246.10(e)(12) and its footnotes). The purpose of the CVV is to allow participants to choose among a variety of fruits and vegetables, with few restrictions.

**FV6. Can State agencies disallow bagged lettuce or salad greens?**

No, unless they contain disallowed ingredients.

**F7. What types of potatoes are eligible for purchase with the cash-value voucher?**

Any potato (fresh, frozen, canned or dried) without added sugars, fats, or oils, regardless of color, is eligible for purchase with the cash-value voucher.

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**FV8. How can State agencies tell if WIC-eligible processed fruits and vegetables have no added sugar, salt, fat, or oils?**

To determine whether or not sugar, salt, fat, or oils have been added to processed fruits and vegetables, State agencies should review the product's *ingredient list*. If sugar, salt, fat, or oils have been added to the food during processing, they will be listed as ingredients. Using the *Nutrition Facts Label* is not appropriate for this purpose because some foods may naturally contain sugar, sodium, or fat, which would be reflected in the Nutrition Facts label.

**FV9. What are other names for added “sugar” in processed fruits and vegetables that State agencies should be looking for?**

Other names for added sugars include but are not limited to: corn syrup, high-fructose corn syrup, maltose, dextrose, sucrose, honey, and maple syrup. Fruits packed in juice or with added fruit juice concentrate are allowed.

**FV10. Some vegetables like canned sweet peas and canned corn have some sugar added for processing purposes, not as added sweeteners. Are these allowable foods under the "no added sugar" restriction?**

It has come to the attention of FNS that the requirement for "no added sugar" in canned vegetables may exclude some commonly consumed foods from WIC State food lists. Small amounts of sugar are added to some foods that are naturally sugar-containing during the canning process. This small amount of added sugar is minimal and helps to maintain the quality and structure of the food. To encourage greater variety in food choices in the WIC food packages, canned vegetables and beans that contain a small amount of sugar for processing purposes, such as plain canned sweet peas and canned corn, are allowed, at State agency option.

**FV11. What is considered an herb or spice?**

The purpose of the CVV is for participants to purchase fruits and vegetables to increase the number of these foods in their diets. Herbs primarily used as flavoring ingredients are not authorized for purchase with the CVV. State agencies may make the determination to allow certain fresh herbs to be purchased with the CVV based on the dietary patterns of the populations they serve, knowing that the purpose of the CVV is for participants to purchase fruits and vegetables to increase the number of these foods in their diets. The decision about what to consider an herb is one that should be made by the State agency in consultation with their nutritionists. Dried herbs and spices such as oregano and cumin are not authorized.

**FV12. Are platters containing a variety of cut up fruit but no dips considered party trays?**

FNS considers a party tray as a platter of fresh fruits and/or vegetables (with or without dips) as something that is marketed as a prepared party tray, meant to be purchased and served to a group of people at a gathering or a party. Party trays are not allowed to be purchased with the CVV.

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### **FV13. Can State agencies disallow organic fruits and vegetables?**

State agencies may not disallow organic fruits and vegetables purchased with the CVV. The CVV may be redeemed for any eligible fruit and vegetable (refer to Table 4 of 7 CFR 246.10(e)(12) and its footnotes) within the types (fresh, frozen, canned and/or dried) authorized by the State. States may not impose further restrictions on eligible fruit and vegetables.

State agencies have the option to offer organic forms of WIC eligible foods through the regular WIC food instrument, e.g., milk, eggs, peanut butter, and encourages State agencies to make available authorized foods that are acceptable and will be consumed by participants, including organic varieties.

### **FV14. If a State agency chooses to authorize canned and/or frozen vegetables, must all eligible products in that category be authorized? Can the State agency only authorize the most commonly used and easily identified canned and frozen products?**

If the State agency chooses to authorize either canned, frozen, or dried fruits and vegetables, it must authorize all eligible frozen, canned or dried fruit and vegetables (refer to Table 4 of 7 CFR 246.10(e)(12) and its footnotes). The purpose is to offer a wide variety of fruits and vegetables for participants to choose from. However, vendors need not be expected to carry all eligible fruits and vegetables. Thus, the State agency may require only the most commonly used and easily identified canned, frozen and/or dried products when establishing the minimum variety and quantity standard per 7 CFR 246.12(g)(3)(i).

### **\*FV15. Can fruits and vegetables with added ascorbic acid (or an addition of a flavor solution) sold in the refrigerated case be considered “fresh”?**

No. The addition of ascorbic acid (or flavor solution) is a form of preservation that does not allow the product to be considered “fresh.”

21 CFR 101.95 defines the term “fresh” when referring to eligible fresh fruits and vegetables. The term “fresh,” when used on the label or in labeling of a food in a manner that suggests or implies that the food is unprocessed, means that the food is in its raw state and has not been frozen or subjected to any form of thermal processing or any other form of preservation.

## **INFANT FOOD PACKAGES**

*Updated 3/1/2016*

### **II. Can tube-fed infants receiving a standard infant formula in Food Package II receive additional quantities of formula in lieu of complementary foods?**

No. However, in **Food Package III**, infants greater than 6 months of age may receive additional infant formula, exempt infant formula or WIC-eligible nutritionals in lieu of infant foods at the same maximum monthly allowance as infants ages 4 through 5 months of age of the same feeding option. As with infant formula, exempt infant formula and WIC-eligible nutritionals,

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infants receiving infant formula in **Food Package III** will need medical documentation that meets the criteria established in 7 CFR 246.10(d).

**I2. How would a WIC EBT system handle the option for some infants to receive a \$4 cash-value voucher for fresh fruits and vegetables plus 64 ounces of infant food fruits and vegetables or an \$8 cash-value voucher for fresh fruits and vegetables plus 128 ounces of infant food fruits and vegetables?**

With an EBT system, a State agency would issue the \$4 or \$8 to Category 19 Fruits and Vegetables in addition to any other cash value benefit amount. To limit the purchase to fresh fruits or vegetables only, a specific subcategory may be used if fresh, canned and dried are also authorized in Category 19.

**I3. Are infant food vegetables with white potatoes as the primary ingredient authorized?**

Yes.

**\*I4. Are mature beans allowable as a single component or as part of a mixed jar of fruit or vegetable infant food?**

When referring to infant foods, mature beans can be considered a vegetable. They may be a component of a mixed jar of fruit and/or vegetable or a single ingredient infant food. All infant food vegetables must meet the minimum nutrition requirements in Table 4 of 7 CFR 246.10(e)(12).

## **MATURE LEGUMES (DRY BEANS AND PEAS)**

**ML1. Some beans such as canned kidney beans have some sugar added for processing purposes, not as added sweeteners. Are these allowable foods under the "no added sugar" restriction?**

It has come to the attention of FNS that the requirement for "no added sugar" in canned vegetables may exclude some commonly consumed foods from WIC State food lists. Small amounts of sugar are added to some foods that are naturally sugar-containing during the canning process. This small amount of added sugar is minimal and helps to maintain the quality and structure of the food. To encourage greater variety in food choices in the WIC food packages, canned beans that contain a small amount of sugar for processing purposes, such as canned kidney beans, are allowed, at State agency option.

**ML2. Soybeans/edamame are listed in the mature legumes category; however, only fresh and frozen edamame are available.**

FNS clarifies green soybeans (edamame) are only available fresh or frozen and therefore cannot be issued under the mature legume category via the WIC food instrument. Fresh and frozen edamame

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may only be purchased with the cash-value voucher. (This is a technical correction to Table 4 of 7 CFR 246.10(e)(12) which lists edamame in the mature legume category as “soybeans/edamame.”) Soybeans (mature, not green, dry-packaged or canned) may be issued via the WIC food instrument.

## **MEDICALLY FRAGILE FOOD PACKAGES**

### **MF1. Do participants in Food Package III who require whole milk also have to be issued WIC formula? Can participants receive both milk and formula in Food Package III?**

WIC Federal regulations at 7 CFR 246.10(e)(3) specify that Food Package III is issued to women, children and infants who have a documented qualifying medical condition that requires use of a WIC formula (infant formula, exempt infant formula or WIC-eligible nutritional) because use of conventional foods is precluded, restricted, or inadequate to address their special nutritional needs. Other WIC foods, including milk, may also be provided to an individual participant if medically warranted and with medical documentation. State agencies do not have the option to require participants to choose either milk or formula.

### **MF2. What about participants who need whole milk but don't need a WIC formula?**

Whole milk can be issued only under 2 circumstances:

- 1) children 12 through 23 months of age in Food Package IV (medical documentation not required)
- 2) participants  $\geq$  24 months of age only in Food Package III when specific criteria outlined in WIC Federal regulations at 7 CFR 246.10(e)(3) and (e)(11) are met (medical documentation **and** WIC formula prescription required)

WIC Federal regulations at 7 CFR 246.10(e)(3) specify that Food Package III is issued to women, children and infants who have a documented qualifying medical condition **that requires use of a WIC formula** (infant formula, exempt infant formula or WIC-eligible nutritional) because use of conventional foods is precluded, restricted, or inadequate to address their special nutritional needs.

Therefore, a participant in Food Package III **will always be prescribed** a WIC formula (infant formula, exempt infant formula or WIC-eligible nutritional) and adding whole milk, or any other supplemental food, to the food package prescription, in addition to the WIC formula, requires medical documentation.

Participants who have a need for additional fat and calories but do not have a qualifying condition that requires a WIC formula (and thus Food Package III) can be issued 2% milk, in accordance with State policy, and other higher fat options available in Food Packages IV-VII (cheese, peanut butter), and provided nutrition education to address their caloric needs.

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**MF3. Can the health care provider (HCP) indicate on the medical documentation form that the dietitian can identify appropriate supplemental foods, excluding formula?**

**Answer:** FNS would support State agency policy that allows HCP to refer to the WIC registered dietitian and/or qualified nutritionist for identifying appropriate supplemental foods (excluding WIC formula) and their prescribed amounts, as well as the length of time the supplemental foods are required by the participant. This arrangement would be supported only in situations where the HCP has indicated on the medical documentation form that the provider acknowledges referral to the WIC registered dietitian and/or qualified nutritionist for such determinations. This gives the HCP medical oversight while allowing the WIC registered dietitian and/or qualified nutritionist to determine the appropriate issuance of WIC foods to participants with qualifying conditions in Food Package III.

## **MILK AND MILK ALTERNATIVES**

**M1. Are lactose-reduced and lactose-free milk allowed? Is medical documentation required for participants to receive lactose-reduced and lactose-free milk?**

These milks are allowed without medical documentation.

**M2. Are flavored soy-based beverages that meet the nutrient standards allowed?**

Yes.

**M3. Can 1.5% milk be issued as the standard issuance for children  $\geq 24$  months and women?**

1.5% light milk is not authorized as the standard issuance for children  $\geq 24$  months and women. Lowfat (1%) or nonfat milks are the standard milk for issuance to children  $\geq 24$  months of age and women. However, the State agency has the option to authorize reduced fat milk, which would include 1.5 % light milk as well as 2% milk, for participants with certain conditions, including but not limited to, underweight and maternal weight loss during pregnancy, in accordance with Table 2, footnote 7 of 7 CFR 246.10(e)(10) and Table 3, footnote 9 of 7 CFR 246.10(e)(11).

The State agency also has the option to authorize a range of fat reduced milks, including 1.5% light milk, for 1 year old children for whom overweight and obesity are a concern, in accordance with Table 2, footnote 7 of 7 CFR 246.10(e)(10) and Table 3, footnote 9 of 7 CFR 246.10(e)(11). *For further guidance on issuing fat-reduced milks for 1 year old children for whom overweight and obesity are a concern, see the FNS WIC Food Package Guidance Handbook.*

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**M4. If a State agency authorizes fat-reduced milks for 1 year old participants for whom overweight and obesity is a concern, do they then have to authorize fat-reduced yogurt for these participants?**

State agencies have the option to authorize fat-reduced milks independent of their decision to authorize fat-reduced yogurt for 1 year old participants for whom overweight or obesity is a concern. For example, a State agency may decide that a 1 year old participant identified as being overweight or at risk for overweight may be issued 2% milk and issued whole fat yogurt. State agencies that choose to authorize fat-reduced milks and/or fat-reduced yogurt for the 1 year old child must develop policy that defines the assessment criteria the CPA will use to make the determination of whether the individual child is in need of fat-reduced milks and/or fat-reduced yogurt. FNS strongly recommends that such a policy be developed in consultation with the health care community.

*For further guidance on issuing fat-reduced milks for 1 year old children for whom overweight and obesity are a concern, see the FNS WIC Food Package Guidance Handbook.*

CHEESE

**MC1. Children and women participants can receive up to one pound of cheese as a substitute for milk. If State agencies offer cheese, this will result in a "dangling quart" for each of the food packages. Can State agencies drop the "dangling" quart?**

No. Milk is an important source of calcium and vitamin D for WIC participants, and this food category should not be shortchanged. Therefore, the "dangling quart" may not be ignored. State agencies are required to provide the maximum allowance of milk to participants if cheese is substituted for milk in order for participants to obtain their full milk benefit.

State agencies have the option to make available other authorized milk substitutes to fulfill the maximum allowance, such as a quart of yogurt or a 12 ounce can of evaporated milk. State agencies also have the option to prescribe half gallon containers of milk every other month for participants in lieu of the "dangling quart."

YOGURT

**Y1. WIC regulations state that "Yogurts sold with accompanying mix-in ingredients such as granola, candy pieces, honey, nuts and similar ingredients are not authorized." What is the intent of this statement?**

The intent of this provision is to disallow yogurts sold with an accompanying container of ingredients intended to be mixed into the yogurt by the consumer.

Yogurts sold with accompanying mix-in containers of ingredients of any type are not authorized. Yogurts that otherwise meet WIC Federal regulations and have ingredients such as honey, fruit or other allowed ingredients already added to the yogurt by the manufacturer are

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authorized. This includes yogurts with fruit on the bottom intended to be stirred into the yogurt by the consumer.

## **Y2. Can yogurt in container sizes less than quart size be authorized?**

WIC Federal regulations allow yogurt as a partial *milk substitute* for children and women. As is the case with other milk substitutes, yogurt must be provided in container sizes that provide the maximum allowance (32 ounces) authorized by regulations to ensure the nutritional integrity of the foods offered as milk substitutes in the WIC food packages. State agencies may authorize any package size that in combination adds up to the full 32 ounces. See also FAQ P1.

## **TOFU**

### **MT1. Is calcium chloride considered a calcium salt? Products with calcium salts seem to contain less calcium than those with calcium sulfate.**

Yes, calcium chloride is considered a calcium salt.

#### **Common types of calcium salts found in tofu**

Calcium sulfate (gypsum)

Calcium citrate

Calcium chloride

Tricalcium phosphate

Tofu must be calcium-set, i.e., contain calcium salts, but may also contain other coagulants, i.e., magnesium chloride. Tofu with only calcium sulfate may not be readily available in the marketplace. Major tofu manufacturers with national distribution make tofu with calcium sulfate alone or in addition to magnesium chloride as a coagulant. Magnesium chloride is not a flavoring or preservative, and should not be confused with sodium chloride, which is not permitted. The calcium content of various types of tofu, even those set only with calcium salts, varies. In choosing the brands and types of calcium-set tofu to include on food lists, State agencies should read the nutrition labels and choose tofu with the highest amount of calcium.

Note: Nigari (primarily consisting of magnesium chloride) and gluconolactone are also used to process tofu, but they are not sources of calcium. Without an added calcium salt, these products have small or negligible amounts of calcium and, therefore, are not authorized.

### **MT2. Can tofu that comes in package sizes less than 16 ounces be authorized?**

WIC Federal regulations allow calcium-set tofu as a partial *milk substitute* for children and women. As is the case with other milk substitutes, tofu must be provided in quantities that provide the maximum allowance authorized by regulations to ensure the nutritional integrity of the foods offered as milk substitutes in the WIC food packages. Tofu package sizes that do not provide participants their maximum monthly food benefit are not authorized. See also FAQ P1.

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While not all manufacturers produce tofu in container sizes that allow SAs to provide the maximum allowance to participants, sufficient numbers of tofu in package sizes that meet the full maximum allowance exist in the marketplace. See examples in table below. (This list was last reviewed January 2016 and information may change).

<b>Product</b>	<b>Firmness</b>	<b>Package Size</b>	<b>Calcium % DV</b>
Azumaya	Firm	16 oz.	15%
Soy Boy (Organic)	Firm	16 oz.	10%
House Foods (Premium)	Firm	16 oz.	15%
House Foods (Premium)	Extra Firm	16 oz.	15%
House Foods (Premium)	Medium Firm	16 oz.	10%
Azumaya	Extra Firm	16 oz.	15%
Nasoya (Organic)	Silken	16 oz.	8%
Azumaya	Silken	16 oz.	6%
Nasoya	Lite Silken	16 oz.	30%

While other tofu package sizes that *in combination* add up to the maximum allowance are available and may be authorized, FNS encourages State agencies to authorize only 16 ounce packages to prevent confusion and ensure that participants obtain their maximum allowance. If State agencies choose to offer a variety of package sizes that add up to the maximum (see examples below), they must ensure that participants are instructed on how to achieve their full monthly food benefit.

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**Examples of combination package Sizes that add up to the maximum tofu allowance in Food Packages IV-VI (64 ounces) and Food Package VII (96 ounces)**

Package size (oz.)	No of Pckgs.	
14	4	56
8	1	8

**64 oz.**

10	4	40
14	4	56

**96 oz.**

## PACKAGE SIZES

### **P1. Can State agencies authorize package sizes that do not evenly divide into the maximum allowance?**

To achieve the nutrition and health goals of the Program and ensure the nutritional integrity of the food benefits provided to participants, State agencies must authorize WIC foods in package sizes that provide participants their full authorized food benefit. (This does not apply to infant food or infant formula since rounding up is authorized in order to provide the full nutritional benefit for infants.) FNS recognizes that the Federal maximum monthly allowances for WIC foods affect which container sizes State agencies may authorize for the Program. While not all manufacturers produce WIC foods in container sizes that provide the maximum allowance to participants, sufficient numbers of most WIC foods in sizes and forms that meet the maximum exist in the marketplace. State agencies must ensure that container sizes of authorized for their food lists do not shortchange the WIC food benefit for participants.

FNS has learned of limited nationwide availability of some WIC foods in package sizes that provide the maximum monthly allowance (canned beans, instant brown rice, canned salmon and peanut butter). To allow flexibility for State agencies and choice for participants, FNS has allowed State agencies to authorize containers of these foods in sizes that most closely meet container sizes that allow the maximum allowance for those foods as long as **container sizes (or combination of container sizes) that provide the maximum allowance are also authorized**. This allows some flexibility and choice when package sizes providing the maximum are limited, without compromising nutritional integrity.

Approvals for package size flexibilities are granted on a case by case review by FNS. The following guidance has been provided to State agencies:

- canned beans (may authorize 15-16 ounce containers)
- instant brown rice (may authorize 14-16 ounces)

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- peanut butter (may authorize 16-18 ounce containers)
- canned salmon (may authorize 14.75 ounce containers) (see also P2 below).

**P2. Salmon is generally only available in 14.75 ounce cans. May they be authorized?**

State agencies must make available to participants the maximum monthly allowances of authorized supplemental foods. The State agency must use the appropriate physical form to achieve the maximum.

**For example:**

Six 5-ounce cans salmon

Four 3.75-ounce cans sardines plus one 15-ounce can jack mackerel<sup>+</sup> or salmon<sup>+</sup>

Four 7.5-ounce cans salmon

Three 9 ounce cans tuna plus one 3 ounce can tuna

State agencies may authorize **canned salmon** in 14.75 ounce cans if there is limited availability of canned salmon in 15 ounce cans. However, since the maximum allowance of fish is 30 ounces, the State must ensure that can sizes of other fish (such as 5 ounce cans) are authorized that would allow a participant to achieve the full 30 ounces. This allows some flexibility and choice when package sizes providing the maximum are limited, without compromising nutritional integrity. (State agencies must authorize more than one canned fish on food lists.)

<sup>+</sup>Package sizes should be consistent with safe food practices and consider a household’s storage capabilities and the amount of the food suggested for daily consumption. Careful consideration of package sizes helps to ensure that the foods are eaten only by the participant and that food spoilage is minimized.

**P3. For children, the juice requirement is 128 ounces. Since 12-ounce frozen (46 ounces reconstituted) and 46 ounce cans of single strength juice do not divide evenly into 128 ounces, can a State agency round down?**

The State agency must ensure that the maximum juice allowance is provided. Therefore, they may not round up or round down. While not all manufacturers produce juice products in container sizes that meet the WIC’s requirements, sufficient numbers of juice products exist in the marketplace in sizes and forms that do meet WIC requirements. WIC State agencies must use the appropriate physical form to achieve the maximum.

For example:

Food Package IV: Two 64-ounce containers single strength juice

Food Package V and VII: Three cans 11.5/12-ounce shelf stable or frozen (**48** ounces reconstituted) or three 48-ounce bottles of single strength juice

Food Package VI: Two cans 11.5/12-ounce shelf stable or frozen (48 ounces reconstituted) or one 96 ounce bottle of single strength juice.

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*For further guidance on package and container sizes, see the FNS WIC Food Package Guidance Handbook.*

## **PEANUT BUTTER**

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*Updated 3/1/2016*

### **\*PB.1 How can a State agency determine if a peanut product meets the FDA standard of identity for peanut butter?**

WIC regulations require that WIC-eligible peanut butter and reduced fat peanut butter must meet the FDA standard of identity (SOI) at 21 CFR 164.150. Creamy or chunky, regular or reduced fat, salted or unsalted forms are allowed. Peanut butter with added marshmallows, honey, jelly, chocolate or similar ingredients are not authorized.

For illustration purposes, the ingredient list on the following product is reviewed here:

Jif Natural Peanut Butter Spread (with 90% peanuts). **Ingredients: Peanuts, sugar, palm oil, contains 2% or less of salt, molasses.** The product does not meet the FDA SOI in 21 CFR 164.150 because the SOI only permits hydrogenated vegetable oils as optional stabilizing ingredients. This product lists palm oil – which is not a hydrogenated vegetable oil. This is not a peanut butter but rather a spreadable peanut product, such as that described in 21 CFR 102.23 which states that the common or usual name for a spreadable peanut product shall consist of the term “peanut spread.” Therefore, this product is not WIC-eligible because it does not meet the FDA SOI for peanut butter at 21 CFR 164.150.

To be confident that any product meets the FDA SOI as required by WIC regulations, State agencies should contact the manufacturer.

## **OTHER**

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### **O1. Are artificial sweeteners allowed?**

Yes, this continues to be a State agency option.

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