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WIC REGULATORY BULLETIN 2015-02

NOTICE OF FINAL ACTION

Subject:

Final Action on the Notice of Proposed Changes [posted as Regulatory Alert 2015-02](#) on October 23, 2015 at:

<http://www.cdph.ca.gov/programs/wicworks/Documents/Regulatory%20Alert/Regulatory%20Alert%202015-02%20WIC%20Authorized%20Food%20List%20Amendment.pdf>

Date of Adoption:

The Final Action will be effective March 28, 2016.

Stakeholder Comments and Responses:

Please see Attachment 1 of this Regulatory Bulletin for the Stakeholder Comments and the Department Responses.

Regulation:

Article 5. WIC Authorized Food List

82000 WIC Authorized Food List

- (a) For the purposes of this article “Department” is defined as the California Department of Public Health, and the “WIC Program” and “WIC” are defined as the California Special Supplemental Nutrition Program for Women, Infants, and Children.
- (b) The WIC Authorized Foods List or WAFL is composed of foods listed in sections 82050-83000, which meet the criteria specified for the categories of foods.
- (c) If a manufacturer makes a non-material change to an authorized food in food categories for which specific brand and/or product names are



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authorized, the Department will continue to authorize that food for purchase. Non-material changes are changes to brand or product name.

- (d) The Department will publish a document, entitled the "WIC Authorized Food List Shopping Guide." This document is intended for educational purposes only and does not create any rights, obligations, affirmative duties, or replace or supersede the regulations in this Article.

82050 WIC Authorized Food List: Bottled Juice

(a) Bottled Juice Category

- (1) Any brand of pasteurized juice is authorized in the Bottled Juice Category when the juice has all of the following characteristics:
- (A) Is sold in sixty-four (64) ounce bottled (ready-to-drink) containers;
 - (B) Is one of the following kinds of juice:
 - 1. Grapefruit (white);
 - 2. Orange;
 - 3. Apple;
 - 4. Cranberry;
 - 5. Grape (red, purple, or white);
 - 6. Grapefruit (ruby red or pink);
 - 7. Pineapple;
 - 8. Prune;
 - 9. Tomato (regular, low sodium, or spicy);
 - 10. Vegetable (regular, low sodium, or spicy); or
 - 11. Juice blends: juice that is named as two or more authorized types of juice on the front label, such as orange-white grapefruit or cranberry-grape.
 - (C) Juice and juice blends containing the kinds of juice listed in subsection (a)(1)(B)(3)-(10) above must have "100% Juice" and "120% Vitamin C" (or more) printed on the front label;
 - (D) Is of regular calcium content or contains added calcium; and
 - (E) Is of regular Vitamin D content or contains added Vitamin D.
- (2) The following products are never authorized for purchase as part of the Bottled Juice Category:

- (A) Authorized kinds of juice other than orange juice and white grapefruit juice that are not labeled as specified in subsection (a)(1)(C);
- (B) Cider;
- (C) Diet, light, or "lite" juice;
- (D) Juice with added ingredients or supplements, including but not limited to caffeine, carnitine, chromium, DHA, echinacea, ginkgo biloba, ginseng, guarana, St. John's wort, taurine, or wheatgrass;
- (E) Organic juice; and
- (F) Refrigerated juice.

82100 WIC Authorized Food List: Breakfast Cereal

(a) Breakfast Cereal Category

- (1) The following breakfast cereals are authorized by brand and product name in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:
 - (A) B & G Foods — Cream of Wheat Whole Grain;¹
 - (B) General Mills — Cheerios;¹
 - (C) General Mills — MultiGrain Cheerios;¹
 - (D) General Mills — Honey Kix;¹
 - (E) General Mills — Kix;¹
 - (F) General Mills — Total Whole Grain;¹
 - (G) Kellogg's — Corn Flakes;
 - (H) Kellogg's — Frosted Mini Wheats Original;¹
 - (I) Kellogg's — Frosted Mini Wheats Little Bites;¹
 - (J) Kellogg's — Special K Original;
 - (K) Malt-O-Meal — Malt-O-Meal Hot Cereal Original;
 - (L) Malt-O-Meal — Oat Blenders with Honey;
 - (M) Mill Select Early On — Puffed Wheat;¹
 - (N) Post — Bran Flakes;¹
 - (O) Post — Grape-Nuts;¹

- (P) Post — Honey Bunches of Oats Honey Roasted;
 - (Q) Quaker — Corn Bran Crunch;
 - (R) Quaker — Life Original;¹
 - (S) Quaker — Oatmeal Squares Brown Sugar;¹ and
 - (T) Quaker — Oatmeal Squares Cinnamon. ¹
- (2) The following crisp rice or crispy rice breakfast cereals are authorized by brand in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:
- (A) Best Yet;
 - ~~(B) Essential Everyday;~~
 - (B) First Street;
 - (C) Food Club;
 - (D) Great Value;
 - (E) Hospitality;
 - (F) HY-TOP;
 - (G) Hy-Vee;
 - (H) IGA;
 - (I) Kiggins;
 - (J) Kroger;
 - (K) Malt-O-Meal;
 - (L) Market Pantry;
 - (M) Mill Select Early On;¹
 - (N) Parade;
 - (O) Raley's;
 - (P) Ralston Foods;
 - (Q) Red & White;
 - (R) Shurfine;
 - (S) Signature Kitchens;
 - (T) Springfield;

- (U) Stater Bros.;
 - (V) Sunny Select;
 - (W) Valu Time;
 - (X) Western Family; and
 - (Y) WinCo Foods.
- (3) The following instant oatmeals in old-fashioned, classic, regular, or original flavors are authorized by brand in eleven and eight-tenths (11.8) ounce to twelve (12) ounce containers of individual serving packets in the Breakfast Cereal Category:
- (A) Best Yet;¹
 - (B) Early On;¹
 - ~~(C) Essential Everyday;⁴~~
 - (C) First Street;¹
 - (D) Food Club;¹
 - (E) Great Value;¹
 - (F) Hy-Vee;¹
 - (G) IGA;¹
 - (H) Kroger;¹
 - (I) Raley's;¹
 - (J) Ralston Foods;¹
 - (K) Red & White;¹
 - (L) Shurfine;¹
 - (M) Signature Kitchens;¹
 - (N) Special Value;¹
 - (O) Springfield;¹
 - (P) Stater Bros;¹
 - (Q) Sunny Select;¹
 - (R) Western Family;¹ and
 - (S) WinCo Foods.¹

- (4) The following types of breakfast cereal are never authorized for purchase as part of the Breakfast Cereal Category:
 - (A) Grits;
 - (B) Hot breakfast cereal with added fruits and nuts;
 - (C) Hot breakfast cereal with added sweeteners, including sugar, artificial sweeteners, reduced-calorie sweeteners, or no-calorie sweeteners; and
 - (D) Organic cereal.

¹ This cereal contains 51% or more whole grain by weight.

82150 WIC Authorized Food List: Canned Fish

(a) Canned Fish Category

(1) Chunk Light Tuna Subcategory

(A) Any brand of chunk light tuna is authorized in the Chunk Light Tuna Subcategory of the Canned Fish Category when it has all of the following characteristics:

1. Is sold in five (5) ounce cans;
2. Is packed in water;
3. Is plain; and
4. Is of regular or low sodium content.

(B) The following types of tuna are never authorized for purchase as part of the Chunk Light Tuna Subcategory:

1. Solid white tuna;
2. Albacore tuna;
3. Prime fillet fish; and
4. Kits in which tuna is packaged with other foods, such as condiments and crackers.

(2) Mackerel Subcategory

(A) Any brand of mackerel is authorized in the Mackerel Subcategory of the Canned Fish Category when it has all of the following characteristics:

1. Is sold in fifteen (15) ounce cans;

2. Is packed in water or tomato sauce; and
 3. Is of regular or low sodium content.
- (B) The following types of mackerel are never authorized for purchase as part of the Mackerel Subcategory:
1. Canned king mackerel; and
 2. Canned mackerel packed in anything other than water or tomato sauce.
- (3) Pink Salmon Subcategory
- (A) Any brand of pink salmon is authorized in the Pink Salmon Subcategory of the Canned Fish Category when it has all of the following characteristics:
1. Is sold in five (5) ounce, six (6) ounce, or fourteen and three-quarters (14.75) ounce cans;
 2. Is packed in water;
 3. Is plain; and
 4. Is of regular or low sodium content.
- (B) The following types of salmon are never authorized for purchase as part of the Pink Salmon Subcategory:
1. Specialty salmon, including smoked salmon, wild sockeye salmon, blue back salmon, or red salmon; and
 2. Kits in which salmon is packaged with other foods, such as condiments and crackers.
- (4) Sardines Subcategory
- (A) Any brand of sardines is authorized in the Sardines Subcategory of the Canned Fish Category when it has all of the following characteristics:
1. Is sold in fifteen (15) ounce cans;
 2. Is packed in water, mustard, or tomato sauce; and
 3. Is of regular or low sodium content.
- (B) The following types of sardines are never authorized for purchase as part of the Sardines Subcategory:

1. Canned sardines packed in anything other than water, mustard, or tomato sauce.
- (5) The following types of canned fish products are never authorized for purchase as part of any subcategory of the Canned Fish Category:
 - (A) Organic canned fish;
 - (B) Canned fish in organic sauce;
 - (C) Canned fish packed in oil; and
 - (D) Fish packaged in pouches or plastic containers.

82200 WIC Authorized Food List: Canned Mature Beans

(a) Canned Mature Beans Category

- (1) Any brand and variety of canned lentils or mature beans are authorized in the Canned Mature Beans Category when the canned lentils or mature beans have all of the following characteristics:
 - (A) Are plain;
 - (B) Are sold in fifteen (15) to sixteen (16) ounce cans; and
 - (C) Are of regular sodium content or low sodium content.
- (2) Authorized varieties of canned lentils or mature beans include but are not limited to:
 - (A) Black;
 - (B) Black-eyed peas;
 - (C) Garbanzo (chickpeas);
 - (D) Great northern;
 - (E) Kidney;
 - (F) Lentils;
 - (G) Lima;
 - (H) Mixed;
 - (I) Navy;
 - (J) Pink;
 - (K) Pinto; and
 - (L) Red.

- (3) The following types of lentils and beans are never authorized for purchase as part of the Canned Mature Beans Category:
 - (A) Canned lentils or beans with added sugars, spices, fats, or oils;
 - (B) Canned lentils or beans with added vegetables, fruits, or meat;
 - (C) Canned lentils or beans with artificial, reduced-calorie, or no-calorie sweeteners;
 - (D) Canned immature peas or beans including green peas, green beans, or wax beans;
 - (E) Canned baked beans;
 - (F) Canned refried beans;
 - (G) Flavored lentils or beans, such as Cajun, barbeque (bbq), or ranch style beans;
 - (H) Dry or frozen beans, peas, or lentils; and
 - (I) Organic canned beans or lentils.

82250 WIC Authorized Food List: Cheese

(a) Cheese Category

- (1) Any brand of non-organic cheese is authorized in the Cheese Category when the cheese has all of the following characteristics:
 - (A) Is made in the United States of America;
 - (B) Is sold in a sixteen (16) ounce package in one of the following ways:
 - 1. Individually wrapped mozzarella string-cheese sticks; or
 - 2. Blocks or rounds of the following cheeses:
 - A. Orange or white cheddar (mild, medium, sharp, or longhorn)
 - B. Colby
 - C. Jack
 - D. Mozzarella
 - E. Marbled or blends of cheeses authorized by this subsection (for example, colby-jack)
 - (C) Is of regular fat content, lowfat, or fat free; and

- (D) Is of regular sodium content or low sodium.
- (2) The following types of cheese are never authorized for purchase as part of the Cheese Category:
 - (A) Diced, grated, sliced, crumbled, or shredded cheese;
 - (B) Cheese that is purchased from or sliced at the deli;
 - (C) Cheese with added ingredients, including but not limited to peppers or spices; and
 - (D) Organic Cheese.

82300 WIC Authorized Food List: Concentrate Juice

(a) Concentrate Juice Category

- (1) Any brand of pasteurized juice concentrate is authorized in the Concentrate Juice Category when the juice has all of the following characteristics:
 - (A) Is sold in eleven and a half (11.5), twelve (12), or sixteen (16) ounce containers;
 - (B) Is frozen or shelf-stable;
 - (C) Is one of the following kinds of juice:
 1. Grapefruit (white);
 2. Orange;
 3. Apple;
 4. Cranberry;
 5. Grape (red, purple, or white);
 6. Grapefruit (ruby red or pink);
 7. Pineapple;
 8. Prune;
 9. Tomato (regular, low sodium, or spicy);
 10. Vegetable (regular, low sodium, or spicy); or
 11. Juice blends: juice that is named as two or more authorized types of juice on the front label, such as orange-white grapefruit or cranberry-grape.

- (D) Juice and juice blends containing the kinds of juice listed in subsection (a)(1)(C)(3)-(10) above must have “100% Juice” and “120% Vitamin C” (or more) printed on the front label;
 - (E) Is of regular calcium content or contains added calcium; and
 - (F) Is of regular Vitamin D content or contains added Vitamin D.
- (2) The following products are never authorized for purchase as part of the Concentrate Juice Category:
- (A) Authorized kinds of juice other than orange juice and white grapefruit juice that are not labeled as specified in subsection (a)(1)(D);
 - (B) Cider;
 - (C) Diet, light, or “lite” juice;
 - (D) Juice with added ingredients or supplements, including but not limited to caffeine, carnitine, chromium, DHA, echinacea, ginkgo biloba, ginseng, guarana, St. John’s wort, taurine, or wheatgrass;
 - (E) Organic juice; and
 - (F) Refrigerated juice.

82350 WIC Authorized Food List: Dry Beans, Peas, or Lentils

(a) Dry Beans, Peas, or Lentils Category

- (1) Any brand and variety of dry beans, peas, or lentils are authorized in the Dry Beans, Peas, or Lentils Category when the dry beans, peas, or lentils are sold in bulk or in sixteen (16) ounce containers.
- (2) Authorized varieties of dry beans, peas, or lentils include but are not limited to:
 - (A) Black;
 - (B) Black-eyed peas;
 - (C) Garbanzo (chickpeas);
 - (D) Great northern;
 - (E) Kidney;
 - (F) Lentils;
 - (G) Lima;

- (H) Mixed;
 - (I) Navy;
 - (J) Pink;
 - (K) Pinto;
 - (L) Red; and
 - (M) Split peas.
- (3) The following types of beans, peas, or lentils are never authorized for purchase as part of the Dry Beans, Peas, or Lentils Category:
- (A) Canned or frozen beans, peas, or lentils;
 - (B) Dry beans, peas, or lentils with added sugars, fats, or oils;
 - (C) Dry beans, peas, or lentils with added vegetables, fruits, or meat;
 - (D) Dry beans, peas, or lentils with artificial, reduced-calorie, or no calorie sweeteners;
 - (E) Dry beans, peas, or lentils with flavors or spices or bean soup mixes with flavoring packets or spices; and
 - (F) Soy nuts.

82400 WIC Authorized Food List: Eggs

(a) Eggs Category

- (1) Any brand of non-organic white, large, chicken eggs sold in cartons of twelve (12) or one (1) dozen is authorized in the Eggs Category.
- (2) The following types of eggs are never authorized for purchase as part of the Eggs Category:
 - (A) Powdered eggs;
 - (B) Liquid eggs;
 - (C) Specialty eggs, such as cage-free, vitamin-enriched, pastured, low cholesterol, or DHA-enriched eggs; and
 - (D) Organic eggs.

82450 WIC Authorized Food List: Fresh Bananas

(a) Fresh Bananas Category

- (1) Fresh yellow organic or non-organic bananas are authorized in the Fresh Bananas Category.

- (2) Any other type of banana is never authorized for purchase as part of the Fresh Bananas Category, including but not limited to:
 - (A) Plantains;
 - (B) Red bananas;
 - (C) Mini bananas; and
 - (D) Fingerling bananas.

82500 WIC Authorized Food List: Fruits and Vegetables

- (a) Fruits and Vegetables Category
 - (1) All food items authorized in the Fruits and Vegetables Category and subcategories are authorized for purchase using a cash value voucher.
 - (2) Fresh Fruits and Vegetables Subcategory
 - (A) Any type, variety, and brand of fresh fruits and vegetables in any combination is authorized in the Fresh Fruits and Vegetables Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:
 - 1. Organic or non-organic fresh fruits and vegetables;
 - 2. Whole or cut fresh fruits and vegetables;
 - 3. Bagged fresh fruits and vegetables;
 - 4. Bagged or packaged salad mixtures; and
 - 5. Garlic, onion, ginger, jalapeños, peppers, and chilies.
 - (B) The following foods are never authorized for purchase as part of the Fresh Fruits and Vegetables Subcategory:
 - 1. Food or products from a salad bar or deli; party trays; fruit baskets; and decorative vegetables and fruits, including but not limited to chilies or garlic on a string and painted pumpkins;
 - 2. Nuts or fruit-nut mixtures;
 - 3. Edible blossoms, such as squash blossoms;
 - 4. Bagged salad with added ingredients, such as dressing, croutons, and cheese;
 - 5. Vegetable or fruit kits with added ingredients, such as dressing, cheese, dips, or sauces;

6. Dried vegetables;
7. Herbs and spices, such as parsley, basil, cilantro, and mint;
8. Fruits and vegetables with added fats, oils, or sugars; and
9. Fruits and vegetables with artificial, reduced-calorie, or no-calorie sweeteners.

(3) Dried Fruits Subcategory

(A) Any variety, size, and brand of dried fruits without added fats, sugars, or oils in any type of container or bulk is authorized as part of the Dried Fruits Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:

1. Organic or non-organic dried fruits;
2. Freeze-dried fruits; and
3. Dried fruits with or without pits.

(B) The following foods are never authorized for purchase as part of the Dried Fruits Subcategory:

1. Dried fruits with artificial, reduced-calorie, or no-calorie sweeteners;
2. Dried fruits with added artificial or natural flavors, including essences;
3. Dried or freeze-dried vegetables;
4. Fruit snacks or fruit bites; and
5. Trail mix.

(4) Canned Fruits Subcategory

(A) Any brand, variety, and size of canned fruits in any type of container that are packed in water or juice and do not contain added sugars are authorized in the Canned Fruits Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:

1. Organic or non-organic canned fruits;
2. Natural or unsweetened applesauce; and
3. Canned fruits mixed with canned vegetables when a fruit is listed as the first ingredient.

- (B) The following types of fruits are never authorized for purchase as part of the Canned Fruits Subcategory:
 - 1. Canned fruits packed in syrup, such as heavy, light, or extra light syrup;
 - 2. Canned fruits with added sugars, salt, fats, or oils;
 - 3. Canned fruits with artificial, reduced-calorie, or no-calorie sweeteners;
 - 4. Canned fruits that do not list a fruit as the first ingredient;
 - 5. Canned fruit cocktail;
 - 6. Mixed fruit with cherries;
 - 7. Cranberry sauce;
 - 8. Pie filling; and
 - 9. Home-canned or home-preserved fruits.
- (5) Canned Vegetables Subcategory
 - (A) Any brand, size, and variety of regular or low sodium canned vegetables in any type of container is authorized in the Canned Vegetables Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:
 - 1. Organic or non-organic canned vegetables;
 - 2. Sweet potatoes or yams without added sugars or syrup;
 - 3. Tomatoes or tomato products including but not limited to strained, crushed, diced, paste, or pureed tomatoes; and
 - 4. Canned vegetables mixed with canned fruits when a vegetable is listed as the first ingredient.
 - (B) The following foods are never authorized for purchase as part of the Canned Vegetables Subcategory:
 - 1. Canned tomato products with added sugars, fats, or oils;
 - 2. Canned tomato products with artificial, reduced-calorie, or no-calorie sweeteners;
 - 3. Canned vegetables with added fats or oils;
 - 4. Canned vegetable mixtures with mature beans;

5. Canned vegetables that do not list a vegetable as the first ingredient;
6. Pickled, creamed, or sauced canned vegetables;
7. Soups, ketchup, relishes, olives, salsa, stewed tomatoes, or tomato sauces (tomato, pizza, or spaghetti);
8. Canned mature beans, including but not limited to black-eyed peas, kidney beans, and pinto beans; and
9. Home-canned or home-preserved vegetables.

(6) Frozen Fruits Subcategory

(A) Any brand, size, and variety of organic or non-organic frozen fruits in any type of container are authorized in the Frozen Fruits Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:

1. Frozen fruits mixed with frozen vegetables when a fruit is listed as the first ingredient.

(B) The following types of fruits are never authorized for purchase as part of the Frozen Fruits Subcategory:

1. Frozen fruits with added ingredients, oils, salts, or sugars;
2. Frozen fruits with artificial, reduced-calorie, or no-calorie sweeteners; and
3. Frozen fruits that do not list a fruit as the first ingredient.

(7) Frozen Vegetables Subcategory

(A) Any brand, size, and variety of organic or non-organic frozen vegetables in any type of container are authorized in the Frozen Vegetables Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:

1. Sweet potatoes or yams without added sugars or syrup;
2. Frozen mature or immature beans; and
3. Frozen vegetables mixed with frozen fruits when a vegetable is listed as the first ingredient.

(B) The following types of vegetables are never authorized for purchase as part of the Frozen Vegetables Subcategory:

1. Frozen vegetables with added sugars, oils, or fats;
2. Breaded or flavored frozen vegetables;
3. French fries, tater tots, hash browns, or mashed potatoes;
4. Frozen vegetables that do not list a vegetable as the first ingredient;
5. Frozen vegetables with added ingredients, such as sauces, cheese, butter, pasta, or rice; and
6. Frozen vegetables with artificial, reduced-calorie, or no-calorie sweeteners.

82550 WIC Authorized Food List: Infant Cereal

(a) Infant Cereal

- (1) The following infant cereals are authorized by brand and product name in eight (8) ounce or sixteen (16) ounce containers in the Infant Cereal Category:
 - (A) Baby Basics — Oatmeal;
 - (B) Baby Basics — Rice;
 - (C) Beech-Nut — ~~Single Grain~~ Multigrain;
 - (D) Beech-Nut — Single Grain Oatmeal;
 - (E) Beech-Nut — Single Grain Rice;
 - (F) Comforts for Baby — Oatmeal;
 - (G) Comforts for Baby — Rice;
 - (H) Early On — Multi Grain;
 - (I) Early On — Oatmeal;
 - (J) Early On — Rice;
 - (K) Earth's Best Organic — Whole Grain Multi-Grain;
 - (L) Earth's Best Organic — Whole Grain Oatmeal;
 - (M) Earth's Best Organic — Whole Grain Rice;
 - (N) Gerber — MultiGrain;
 - (O) Gerber — Oatmeal;
 - (P) Gerber — Organic Oatmeal

- (Q) Gerber — Organic ~~Brown~~ Rice;
 - (R) Gerber — Rice;
 - (S) Gerber — Whole Wheat;
 - (T) Healthy Times Special Nourish Organic — Barley;
 - (U) Healthy Times Special Nourish Organic — Brown Rice;
 - (V) Healthy Times Special Nourish Organic — Mixed Grain;
 - (W) Healthy Times Special Nourish Organic — Oatmeal;
 - (X) Healthy Times Special Nourish Organic —Rice;
 - ~~(Y) Mom's Choice — Multigrain;~~
 - ~~(Z) Mom's Choice — Oatmeal;~~
 - ~~(AA) Mom's Choice — Rice;~~
 - (Y) Tippy Toes — Oatmeal;
 - (Z) Tippy Toes — Rice;
 - (AA) Up & Up — Oatmeal; and
 - (BB) Up & Up — Rice; ;
 - ~~(CC) Yummy Naturals — Multigrain;~~
 - ~~(DD) Yummy Naturals — Oatmeal; and~~
 - ~~(EE) Yummy Naturals — Rice.~~
- (2) The following types of infant cereal are never authorized for purchase as part of the Infant Cereal Category:
- (A) Infant cereal with added ingredients, including formula, milk, fruits, vegetables, probiotics, and DHA; and
 - (B) Infant cereal with added sugars, artificial sweeteners, reduced-calorie sweeteners, and no-calorie sweeteners.

82600 WIC Authorized Food List: Infant Formula

(a) Infant Formula Category

- (1) Authorized infant formula shall be selected and prescribed for a participant by a competent professional authority. Participants may only purchase the brand, type (physical form), size, and number of prescribed cans printed on their food instrument(s).

- (2) Contract Formula
 - (A) Authorized contract infant formula must meet the requirements in 7 Code of Federal Regulations part 246.10(e)(12), table 4 (2015), and is selected through a competitive bidding process. The [list of the current contract formulas](#) can be found at: http://www.cdph.ca.gov/programs/wicworks/Documents/WICFoods/Formula_Flyer_English.pdf.
- (3) Non-Contract Formula
 - (A) Non-contract brand infant formula is all infant formula that is not covered by an infant formula cost containment contract awarded by the State agency. Non-contract brand formula may only be issued in food package III for participants with qualifying conditions with medical documentation pursuant to 7 Code of Federal Regulations part 246.10(d)(1)(i) (2015).
- (4) The following types of infant formula are never authorized for purchase as part of the Infant Formula Category:
 - (A) Low iron or no iron formula.

82650 WIC Authorized Food List: Infant Fruits and Vegetables

- (a) Infant Fruits and Vegetables Category
 - (1) Any infant fruits and/or vegetables product made by the brands listed in (a)(2)(A)-(RQ) is authorized in the Infant Fruits and Vegetables Category when it has the all of the following characteristics:
 - (A) Is sold in three and a half (3.5) ounce or four (4) ounce containers other than pouches;
 - (B) Is sold individually or in multi-packs;
 - (C) Is organic or non-organic;
 - (D) Lists a fruit or vegetable as the first ingredient; and
 - (E) Contains only single ingredient fruits or vegetables, or combinations of two (2) or more single ingredient fruits or vegetables.
 - (2) The following brands are authorized in the Infant Fruits and Vegetables Category:
 - (A) Beech-Nut;

- (B) Early On Baby;
 - (C) Earth's Best;
 - (D) First Choice;
 - (E) Full Circle;
 - (F) Gerber;
 - ~~(G) Happy Naturals;~~
 - (G) Healthy Times;
 - (H) Mom's Natural Choice;
 - (I) Mom's Organic Choice;
 - (J) O Organics;
 - (K) Organico;
 - (L) Raley's Organic;
 - (M) SistaGirl;
 - (N) Tippy Toes;
 - (O) Wild Harvest;
 - (P) Yummy Naturals; and
 - (Q) Yummy Organics.
- (3) When purchasing authorized containers of infant fruits and vegetables that are sold individually, participants may not purchase both three and a half (3.5) ounce and four (4) ounce containers using the same food instrument.
- (4) The following infant foods are never authorized for purchase as part of the Infant Fruits and Vegetables Category:
- (A) Infant fruits and vegetables in pouches;
 - (B) Infant fruits and vegetables mixed with cereal, meat, pasta, or rice;
 - (C) Infant fruits and vegetables with added sugars, salt, spices, starch, fiber, or DHA;
 - (D) Infant fruits and vegetables with added sweeteners including artificial, reduced-calorie, or no-calorie sweeteners;

- (E) Infant fruits and vegetables that do not list a fruit or vegetable as the first ingredient;
- (F) Dried or powdered infant fruits and vegetables;
- (G) Infant desserts, puddings, or smoothies;
- (H) Infant juice;
- (I) Infant dinners; and
- (J) Graduates or toddler infant food.

82700 WIC Authorized Food List: Infant Meats

(a) Infant Meats Category

- (1) Any infant meat or poultry product made by the brands listed in (a)(2)(A)-(MK) is authorized in the Infant Meats Category when it has all of the following characteristics:
 - (A) Meat or poultry is the single major ingredient;
 - (B) Is sold in two and a half (2.5) ounce containers other than pouches;
 - (C) Is sold individually or in multi-packs;
 - (D) Is organic or non-organic; and
 - (E) May contain added broth or gravy.
- (2) The following brands are authorized in the Infant Meats Category:
 - (A) Beech-Nut;
 - (B) Early On Baby
 - (C) First Choice
 - (D) Full Circle;
 - (E) Gerber;
 - ~~(F) Happy Naturals;~~
 - ~~(G) Mom's Choice;~~
 - (F) Mom's Natural Choice;
 - (G) O Organics;
 - (H) Raley's Organic;
 - (I) Tippy Toes;

- (J) Wild Harvest; and
 - (K) Yummy Naturals; ~~and~~
 - ~~(L) Yummy Organics.~~
- (3) The following infant foods are never authorized for purchase as part of the Infant Meats Category:
- (A) Infant meats in pouches;
 - (B) Infant meats with added sugars, salt, spices, fiber, or DHA;
 - (C) Infant meats with artificial, reduced-calorie, or no-calorie sweeteners;
 - (D) Infant meats mixed with vegetables, fruits, cereal, pasta, or rice;
 - (E) Infant dinners; and
 - (F) Graduates or toddler infant food.

82750 WIC Authorized Food List: Milk

(a) Milk Category:

- (1) If no other type of milk is specified on a food instrument, any brand of non-organic milk that has all of the following characteristics is authorized as part of a participant's food package in the Milk Category:
 - (A) Plain fluid cow's milk;
 - (B) One percent (1%) lowfat (light) or nonfat (fat free or skim);
 - (C) Pasteurized or ultra-pasteurized; and
 - (D) Sold in one (1) gallon containers.
- (2) Plain fluid cow's milk in half gallon containers is authorized in the Milk Category as part of a participant's food package under the following circumstances: when a participant selects a homeless food package or when the maximum monthly allowance cannot be met by issuing one (1) gallon containers. Plain fluid cow's milk in half gallon containers is only authorized for purchase when it meets the requirements in section (a)(1)(A) and (C) and only when half gallon is printed on a participant's food instrument.
- (3) Whole milk is authorized in the Milk Category as part of the standard food package issuance to one-year-old children (12 through 23 months). Whole milk is authorized for purchase when it meets the

- requirements in section (a)(1)(A), (C), and (D) and only when it is the type of milk printed on a participant's food instrument. Half gallon containers of whole milk are authorized only when prescribed as part of a participant's food package pursuant to section (a)(2).
- (4) Two percent (2%) milk is authorized in the Milk Category as part of the participant food package issued to one-year-old children (12 through 23 months) for whom overweight or obesity is a concern when prescribed by a competent professional authority, based on an individual nutritional assessment. Two percent (2%) milk is authorized for purchase when it meets the requirements in section (a)(1)(A), (C) and (D) and only when it is the type of milk printed on a participant's food instrument. Half gallon containers of two percent (2%) milk are authorized only when prescribed as part of a participant's food package pursuant to section (a)(2).
 - (5) Lactose-free milk in half gallon containers is authorized in the Milk Category as part of a participant's food package when requested by a participant. Lactose free milk in half gallon containers is authorized for purchase when it meets the requirements in section (a)(1)(A)-(C) and only when half gallon lactose-free milk is printed on a participant's food instrument. Whole lactose-free milk in half gallon containers is authorized in the Milk Category as part of standard food package issuance to one-year-old children when half gallon whole lactose-free milk is printed on a participant's food instrument.
 - (6) Evaporated milk in twelve (12) ounce containers is authorized in the Milk Category as part of a participant's food package when requested by a participant. Evaporated milk that is one percent (1%) lowfat or nonfat (fat free or skim) in twelve (12) ounce containers is authorized for purchase when it meets the requirements in sections (a)(1)(B)-(C) above and only when it is the type and fat-level of milk printed on a participant's food instrument. Whole evaporated milk in twelve (12) ounce containers is authorized for purchase when it meets the requirements in section (a)(1)(C) above and only when whole evaporated milk is printed on a participant's food instrument.
 - (7) Powdered dry milk in nine and six tenths (9.6) ounce and twenty-five and six tenths (25.6) ounce containers is authorized in the Milk Category as part of a participant's food package when requested by a participant. Pasteurized powdered dry milk that is nonfat (fat free or skim) in nine and six-tenths (9.6) ounce and twenty-five and six-tenths

(25.6) ounce containers is authorized for purchase only when it is the type of milk printed on a participant's food instrument.

- (8) The following types of milk are never authorized for purchase in the Milk Category:
- (A) Unpasteurized (raw) milk;
 - (B) Acidophilus milk;
 - (C) Buttermilk;
 - (D) Calcium-fortified milk;
 - (E) Flavored milk, including but not limited to chocolate or strawberry;
 - (F) Goat's milk;
 - (G) Soy milk;
 - (H) Non-dairy milk substitutes;
 - (I) Milk with added DHA;
 - (J) Milk sold in pint sized containers;
 - (K) Milk in glass bottles;
 - (L) Sweetened condensed or filled milk;
 - (M) Ultra heat treated (UHT) shelf-stable milk; and
 - (N) Organic milk.

82800 WIC Authorized Food List: Peanut Butter

(a) Peanut Butter Category

- (1) Any brand of peanut butter is authorized in the Peanut Butter Category when it has all of the following characteristics:
- (A) Conforms to the F.D.A. standard of identity for peanut butter in 21 Code of Federal Regulations part 164.150;
 - (B) Is sold in sixteen (16) to eighteen (18) ounce containers; and
 - (C) Is of regular or low sodium content.
- (2) Authorized peanut butters may be any texture, such as:
- (A) Creamy;
 - (B) Smooth;
 - (C) Crunchy;

- (D) Super crunchy;
 - (E) Chunky;
 - (F) Super chunky; and/or
 - (G) Old fashioned or natural.
- (3) The following varieties of peanut butter are never authorized for purchase as part of the Peanut Butter Category:
- (A) Honey nut roasted peanut butter
 - (B) "Grind your own" peanut butter;
 - (C) Peanut butter spread;
 - (D) Lowfat or reduced fat peanut butter;
 - (E) Peanut butter with added ingredients, such as jams, jellies, chocolate, marshmallows, or honey;
 - (F) Peanut butter with added supplements, such as omega-3 fatty acids;
 - (G) Peanut butter with artificial, reduced-calorie, or no-calorie sweeteners; and
 - (H) Organic peanut butter.

82850 WIC Authorized Food List: Soy

(a) Soy Category

- (1) The following soy-based beverage products are authorized in the Soy Category:
- (A) 8th Continent Soymilk
 - 1. Original flavor; and
 - 2. Sold in refrigerated halfgallon containers.
 - (B) Pacific Ultra Soy
 - 1. Original flavor; and
 - 2. Sold in shelf-stable quart-sized containers.
 - (C) Silk Soymilk
 - 1. Original flavor; and

2. Sold in refrigerated half gallons or refrigerated quart-sized containers.
- (D) WESTSOY Organic Plus Soymilk
1. Plain flavor; and
 2. Sold in shelf-stable half gallons and quart-sized containers.
- (2) All authorized soy-based beverages are authorized both individually and in multi-packs.
- (3) The following types of soy-based beverages are never authorized for purchase as part of the Soy Category:
- (A) Flavored soy-based beverage, such as chocolate or vanilla; and
 - (B) Light, lowfat, fat free, and non-fat soy-based beverage.

82900 WIC Authorized Food List: Tofu Category

(a) Tofu Category

- (1) The following tofus, as identified below by brand/product name and texture, in sixteen (16) ounce packages are authorized in the Tofu Category:
 - (A) Azumaya
 1. Extra Firm
 2. Firm
 3. Silken
 - (B) House Foods
 1. Premium Extra Firm
 2. Premium Firm
 3. Premium Medium Firm
 - (C) Nasoya
 1. Organic Silken
 - (D) O Organics
 1. Organic Sprouted Super Firm
 - (E) Wo Chong
 1. Firm

2. Silken
 3. Soft
- (2) The following types of tofu are never authorized for purchase as part of the Tofu Category:
- (A) Tofu with added fats, sugars, sweeteners (artificial, reduced-calorie, or no-calorie), oils, sodium, flavoring, or seasoning;
 - (B) Cubed, dried, baked, or fried tofu; and
 - (C) Tofu that is sold in bulk and not pre-packaged.

82950 WIC Authorized Food List: Whole Grains

(a) Whole Grains Category

(1) Brown Rice Subcategory

- (A) Any brand of brown rice is authorized in the Brown Rice Subcategory of the Whole Grains Category when it has all of the following characteristics:
1. Is sold in bulk or in sixteen (16) ounce packages;
 2. Is of any variety of brown rice, such as basmati and jasmine;
 3. Is short, medium, or long grain; and
 4. Is regular, quick, or instant.
- (B) The following types of rice are never authorized for purchase as part of the Brown Rice Subcategory:
1. Ready-to-serve rice;
 2. Brown rice mixed with any other type of rice; and
 3. Organic brown rice.

(2) Bulgur Subcategory

- (A) Any brand of bulgur is authorized in the Bulgur Subcategory of the Whole Grains Category when it has the following characteristics:
1. Is sold in bulk or in sixteen (16) ounce packages; and
 2. Is organic or non-organic.

(3) Corn Tortillas Subcategory

(A) The following soft corn tortillas (white or yellow), identified by brand and product name, in sixteen (16) ounce packages are authorized in the Corn Tortillas Subcategory of the Whole Grains Category:

1. Acapulco Tortilleria Mexicatessen — King Size White Corn Tortillas
2. Carlita — Corn Tortillas Soft Taco Style
3. Chi-Chi's — White Corn Taco Style Tortillas
4. Don Pancho — White Corn Tortillas
5. Early On — White Corn Tortillas
6. Early On — Yellow Corn Tortillas
7. El Comal — Corn Tortillas
8. Fiesta — Corn Tortillas
9. Guerrero — Tortillas de Maiz Blanco
10. Herdez — White Corn Tortillas Soft Taco Size
11. La Banderita — Corn Tortillas
12. La Banderita — Grande Corn Tortillas
13. La Burrita — Corn Tortillas
14. La Fe Tortilleria — Corn Tortillas King Size
15. La Mexicana — Corn Tortillas
16. La Perla Mexicana — King Size White Corn Tortillas
17. La Perla Mexicana — King Size Yellow Corn Tortillas
18. La Rosa — Corn Tortillas La Grande
19. La Rosa — Yellow Corn Tortillas La Grande
20. La Tapatia — Premium Corn Tortillas
21. La Tapatia — White Corn Tortillas/Tortillas Blancas
22. Marcela Valladolid — White Corn Tortillas
23. Mi Rancho — Mama's White Corn Tortillas
24. Mi-Rancho Tortillas — Soft White Corn Tortillas
25. Mission — Yellow Corn Tortillas Extra Thin

26. Northgate Gonzalez Market — White Corn Tortillas de Maiz
 27. Northgate Gonzalez Market — Yellow Corn Tortillas de Maiz
 28. Ozuna — Corn Tortillas
 29. Romero's— Stone Ground Corn Tortillas Large King Size
 30. Romero's — Whole Grain Corn Tortillas
 31. Santa Fe Tortilla Company — White Corn Tortillas
 32. Santa Fe Tortilla Company — Yellow Corn Tortillas
 33. Sol De Oro — Premium Corn Tortillas
 34. Vallarta Supermarkets — Vallarta Tortilla de Maiz
 35. Vallarta Supermarkets — Vallarta Tortilla de Maiz Amaril
- (B) The following type of Corn Tortillas is never authorized for purchase as part of the Corn Tortillas Subcategory:
1. Organic Corn Tortillas.
- (4) Oatmeal or Oats Subcategory
- (A) Any brand of oatmeal or oats is authorized in the Oatmeal or Oats Subcategory of the Whole Grains Category when it has all of the following characteristics:
1. Is sold in bulk or in sixteen (16) ounce packages;
 2. Is plain;
 3. Is of any variety of oatmeal or oats, including old fashioned or crystal wedding;
 4. Is rolled, cut, or steel cut; and
 5. Is regular-cooking, instant-cooking, or quick-cooking.
- (B) The following types of oatmeal or oats are never authorized for purchase as part of the Oatmeal or Oats Subcategory:
1. Individual and flavored oatmeal packets; and
 2. Organic oatmeal or oats.
- (5) Whole Grain Barley Subcategory

- (A) Any brand of whole grain barley is authorized in the Whole Grain Barley Subcategory of the Whole Grains Category when it has the following characteristics:
 - 1. Is sold in bulk or in sixteen (16) ounce packages; and
 - 2. Is organic or non-organic.
 - (B) The following type of barley is never authorized for purchase as part of the Whole Grain Barley Subcategory:
 - 1. Pearled barley.
- (6) Whole Wheat Bread Subcategory
- (A) Any brand of whole wheat bread (loaves, buns, or rolls) is authorized in the Whole Wheat Bread Subcategory of the Whole Grains Category when it has all of the following characteristics:
 - 1. Is sold in sixteen (16) ounce packages; and
 - 2. The package has “100% Whole Wheat” printed on the front label.
 - (B) Whole wheat bread (loaves, buns, or rolls) made by an in-store bakery is allowed if it meets the requirements of subsection (A).
 - (C) The following type of whole wheat bread is never authorized for purchase as part of the Whole Wheat Bread Subcategory:
 - 1. Organic whole wheat bread.
- (7) Whole Wheat Pasta
- (A) The following whole wheat pastas, identified by brand and product name, in sixteen (16) ounce packages are authorized in the Whole Wheat Pasta Subcategory of the Whole Grains Category:
 - 1. Allegra — Whole Wheat Spaghetti
 - 2. Barilla — Whole Grain Penne
 - 3. Barilla — Whole Grain Spaghetti
 - 4. Bella Terra Organic — Organic Whole Wheat Capellini
 - 5. Bella Terra Organic — Organic Whole Wheat Spaghetti
 - 6. Essential Everyday — Whole Wheat Elbow Macaroni
 - 7. Essential Everyday — Whole Wheat Penne Rigate

8. Essential Everyday — Whole Wheat Rotini
9. Essential Everyday — Whole Wheat Spaghetti
10. Essential Everyday — Whole Wheat Thin Spaghetti
11. Full Circle — Organic Whole Wheat Angel Hair
12. Full Circle — Organic Whole Wheat Spaghetti
13. Great Value — Whole Wheat Spaghetti
14. Hodgson Mill — Whole Wheat Angel Hair
15. Hodgson Mill — Whole Wheat Elbows
16. Hodgson Mill — Whole Wheat Spaghetti
17. Hodgson Mill — Whole Wheat Spirals
18. Hodgson Mill — Whole Wheat Thin Spaghetti
19. Kroger — 100% Whole Grain Penne Rigate
20. Kroger — 100% Whole Grain Rotini
21. Kroger — 100% Whole Grain Spaghetti
22. Kroger — 100% Whole Grain Thin Spaghetti
23. O Organics — Organic Whole Wheat Penne Rigate
24. O Organics — Organic Whole Wheat Spaghetti
25. Racconto — Whole Wheat Capellini
26. Racconto — Whole Wheat Elbows
27. Racconto — Whole Wheat Farfalle
28. Racconto — Whole Wheat Linguine
29. Racconto — Whole Wheat Penne Rigate
30. Racconto — Whole Wheat Rigatoni
31. Racconto — Whole Wheat Rotini
32. Racconto — Whole Wheat Spaghetti
33. Ronzoni Healthy Harvest — 100% Whole Grain Linguine
34. Ronzoni Healthy Harvest — 100% Whole Grain Penne Rigate
35. Ronzoni Healthy Harvest — 100% Whole Grain Rotini

36. Ronzoni Healthy Harvest — 100% Whole Grain Spaghetti
37. Ronzoni Healthy Harvest — 100% Whole Grain Thin Spaghetti
38. Simple Truth Organic — Whole Wheat Penne Rigate
39. Simple Truth Organic — Whole Wheat Rotini
40. Simple Truth Organic — Whole Wheat Spaghetti
41. Simply Balanced — Organic Whole Wheat Farfalle
42. Simply Balanced — Organic Whole Wheat Fusilli
43. Simply Balanced — Organic Whole Wheat Penne Rigate
44. Simply Balanced — Organic Whole Wheat Spaghetti
45. Western Family — 100% Whole Wheat Penne Rigate
46. Western Family — 100% Whole Wheat Spaghetti

(8) Whole Wheat Tortillas Subcategory

(A) The following whole wheat tortillas, identified by brand and product name, in sixteen (16) ounce packages are authorized in the Whole Wheat Tortillas Subcategory of the Whole Grains Category:

1. Acapulco Tortilleria Mexicatessen — Whole Wheat Flour Tortillas
2. Carlita — 100% Whole Wheat Flour Tortillas
3. Chi-Chi's — Whole Wheat Tortillas Fajita Style
4. Don Pancho — Whole Wheat Tortillas Soft Taco & Wraps Style
5. Early On — Whole Wheat Tortillas
6. El Comal — 100% Whole Wheat Flour Tortillas
7. Esperanza's Tortilleria — Whole Wheat Flour Tortillas
8. Fiesta — Whole Wheat Tortillas
9. Food Club — Whole Wheat Tortillas Fajita Style
10. Frestillas — 100% Whole Wheat Tortillas
11. Guerrero — Tortillas de Harina Integral

12. Herdez — Whole Wheat Tortillas Fajita Style
 13. Kroger — Soft Taco Sized 100% Whole Wheat Tortillas
 14. La Banderita — Whole Wheat Flour Tortillas Fajita
 15. La Banderita — 100% Whole Wheat Flour Tortillas Soft Taco
 16. La Perla Mexicana — Whole Wheat Tortillas
 17. La Reina — Whole Wheat Flour Tortillas
 18. La Rosa — 100% Whole Wheat Flour Tortillas
 19. La Victoria — Whole Wheat Tortillas Soft Taco
 20. Mi Casa — Wheat Tortillas
 21. Mi-Rancho Tortillas — Whole Wheat Flour Tortillas
 22. Mission — 100% Whole Wheat Flour Tortillas Medium-Soft Taco
 23. Ortega — Whole Wheat Tortillas
 24. Ozuna — Whole Wheat Tortillas
 25. Romero's — 100% Whole Wheat Grain Flour Tortillas
 26. Romero's — 100% Whole Wheat Grain Flour Tortillas Regular/Soft Taco Size
 27. Santa Fe Tortilla Company — Whole Wheat Tortillas
 28. Tortilleria Santacruz — 100% Whole Wheat Flour Tortillas
 29. Vallarta Supermarkets — 100% Whole Wheat Tortillas
 30. Vallarta Supermarkets — Tortilla de Trigo/Whole Wheat Flour Tortillas
- (B) The following type of whole wheat tortillas is never authorized for purchase as part of the Whole Wheat Tortillas Subcategory:
1. Organic whole wheat tortillas.
- (9) The following types of whole grains are never authorized for purchase as part of the Whole Grains Category:
- (A) Whole grains that are not plain and that have added ingredients, such as fruits, nuts, or spices;
 - (B) Bread, tortillas, rice, oats, or pasta that is refrigerated or frozen;

- (C) Refrigerated or frozen dough and mixes;
 - (D) Whole grains with artificial, reduced-calorie, or no-calorie sweeteners; and
 - (E) Homemade whole grains.
- (10) If buying whole grains in bulk, a participant shall only purchase one type of whole grain per food instrument.

83000 WIC Authorized Food List: Yogurt

(a) Yogurt Category

- (1) Whole cow's milk yogurt is authorized in the Yogurt Category as the standard yogurt for issuance to one-year-old (12 through 23 months) children. Whole cow's milk yogurt is authorized for purchase only when whole yogurt is printed on the participant's food instrument.
- (2) Lowfat and nonfat cow's milk yogurt are authorized in the Yogurt Category as part of the food packages issued to the following types of participants and only when lowfat or nonfat yogurt is printed on the participant's food instrument:
 - (A) Children twenty-four (24) months of age or older;
 - (B) Pregnant and partially breastfeeding women;
 - (C) Postpartum women;
 - (D) Fully breastfeeding women; and
 - (E) Children aged one-year-old (12 through 23 months) for whom overweight and obesity is a concern and when prescribed by a competent professional authority based on an individual nutritional assessment.
- (3) The following cow's milk yogurts, as identified by brand and product name, fat level, and flavor, in thirty-two (32) ounce containers are authorized in the Yogurt Category:
 - (A) Alta Dena
 - 1. Plain (nonfat, lowfat, or whole)
 - 2. Strawberry (lowfat)
 - 3. Vanilla (lowfat)
 - (B) Coburn Farms

1. Plain (lowfat)
 2. Vanilla (lowfat)
- (C) Dannon
1. All Natural Plain (nonfat, lowfat, or whole)
 2. All Natural Vanilla (lowfat)
 3. Strawberry (Nonfat)
- ~~(D) Essential Everyday~~
- ~~1. Blended Plain (lowfat)~~
 - ~~2. Blended Strawberry (lowfat)~~
 - ~~3. Blended Vanilla (lowfat)~~
- (D) Food Club
1. Plain (fat free)
- (E) Great Value
1. Plain (nonfat)
 2. Strawberry (lowfat)
 3. Vanilla (lowfat)
- (F) Kroger
1. Blended Plain (lowfat)
 2. Plain (nonfat)
- (G) LALA
1. Plain (lowfat)
- (H) Lucerne
1. Plain (fat free)
 2. Strawberry (lowfat)
 3. Vanilla (lowfat)
- (I) Market Pantry
1. Plain (nonfat)
- (J) Mountain High
1. Original Plain (whole)

2. Plain (fat free, lowfat)
 3. Original Strawberry (whole)
 4. Original Vanilla (whole)
 5. Vanilla (fat free, lowfat)
- (K) Springfield
1. Blended Strawberry (lowfat)
 2. Premium Plain (lowfat)
- (L) Stater Bros.
1. Blended Strawberry (lowfat)
 2. Blended Vanilla (lowfat)
 3. Plain (fat free, low fat)
- (M) Tillamook
1. Plain & Simple (lowfat)
- (N) Western Family
1. Plain (non_fat, low_fat)
 2. Strawberry (low_fat)
- (O) Yoplait
1. Plain (nonfat)
 2. Original Strawberry (low_fat)
 3. Original Vanilla (low_fat)
- (4) The following yogurts are never authorized for purchase as part of the Yogurt Category:
- (A) Any type, brand, fat level, or flavor of yogurt not listed in (a)(3), including but not limited to Greek yogurt, lactose-free yogurt, soy yogurt, and goat's milk yogurt;
 - (B) Yogurt with mix-in ingredients, such as granola, candy pieces, honey, or nuts;
 - (C) Drinkable yogurts;

- (D) Yogurt with artificial, reduced-calorie, or no-calorie sweeteners;
and
- (E) Organic yogurt.

Feedback

Stakeholders may provide feedback regarding the impact of this Final Action and any policy adjustments to be considered by the Department after implementation. Comments may be sent electronically with the Bulletin number in the subject line to WICRegulations@cdph.ca.gov.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Attachment 1

WIC Authorized Food List Stakeholder Comments and Responses to Comments

California Special Supplemental Nutrition Program for Women, Infants, and Children

December 31, 2015

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Written Comment Letters Received

The California Department of Public Health/Women, Infants, and Children Program (Department) received comment letters in regard to the WIC Authorized Food List regulations amendment proposed in Regulatory Alert 2015-02 from the following seven individuals/organizations:

1. Salim Serrano, DrPH, Sahmyook University faculty, October 26, 2015
2. Alexis Fobes, Pyle & Associates, November 12, 2015
3. Mary Kaericher, ADK Strategy Group, November 13, 2015
4. Ed Segura, Stater Bros. Markets, November 13, 2015
5. Kathryn Brelje, RD, SDSU Research Foundation WIC Program, November 17, 2015
6. Babette Schutt, Food4Less/Foods Co., November 19, 2015
7. Dr. Donna Garren, National Yogurt Association, November 19, 2015

Comments Received and Responses

In response to Regulatory Alert 2015-02, the Department received seven comments from stakeholders. The Department thanks these commenters for participating in the regulatory process and providing input on the proposed regulations. Please read below for the Department's response to each of the comments listed in the order received.

1. **Comment:** My feedback regarding the below info sent to me by WIC includes that there should be an inclusion of Soy Yogurt products under the 'soy' category.

Response: The Department cannot authorize soy yogurt products. Types of WIC foods that the Department may authorize are determined by federal regulation at 7 Code of Federal Regulations part 246.10(e)(12), table 4. Federal regulations only provide state WIC programs the option to authorize tofu and soy based beverages as soy alternatives to cow's milk. These regulations do not provide state WIC programs the option to authorize soy yogurt products.

2. **Comment:** Regarding the proposed changes to the California WIC Program in Regulatory Alert 2015-2, these comments are to request amending the proposed WIC approved 32 oz yogurts by adding one additional Dannon yogurt to the 2016 California WIC Approved Foods List. This product is:

- Dannon Non Fat Strawberry Yogurt 32 oz UPC is 036632007841

Dannon Non Fat Strawberry Yogurt 32 oz is debuting nationwide on December 12, 2015. This product is part of the same family as Dannon Whole Milk 32 oz, Dannon Low Fat Vanilla 32 oz, Dannon Non Fat Plain 32 oz and Dannon Low Fat Plain 32 oz. All four of these items are recommended for inclusion on the next California WIC approved foods list.

Dannon Non Fat Strawberry Yogurt 32 oz carries the same Suggested Retail Price, \$2.99, as the other Brand Dannon Yogurts included for approval on the 2016 California WIC approved foods list.

Attached is a letter we received from USDA confirming Dannon Non Fat Strawberry Yogurt 32 oz meets the minimum requirements for the WIC program as well as a label for your reference.

In addition to this product meeting the Federal minimum requirements for WIC, Dannon Non Fat Strawberry Yogurt meets the six California WIC state requirements for yogurt as follows:

- 1) Quart (32 oz) size
- 2) Strawberry flavor
- 3) Yogurt contains 24 g of sugar per cup of yogurt. California WIC mandates <35 g of sugar per cup of yogurt.
- 4) No artificial sweeteners
- 5) Yogurt is not organic
- 6) Yogurt is not Greek

Because Dannon Non Fat Strawberry Yogurt would be available statewide in California before the new WIC approved foods list is implemented and meets both the minimum state and Federal WIC requirements for yogurt, please consider adding Dannon Non Fat Strawberry Yogurt 32 oz for WIC approval in California along with the other four Dannon Yogurt 32 oz products in the same family that are slated for WIC approval in California with an effective date sometime in 2016.

Thank you for your consideration.

Response: WIC Bulletin Regulation Section 83000 has been revised in the Final Action WIC Regulatory Bulletin 2015-02 to include Dannon Nonfat Strawberry yogurt as an authorized product.

3. **Comment:** Please accept this email in response to your proposed changes to regulations for California WIC – Alert 2015-02.

Thanks again for your time on the phone today. As per our call, it is noted that vanilla flavored yogurt (along with strawberry and original) is proposed to be added to the new WIC Authorized Food List (WAFL).

We are wondering if there is an opportunity to add 8th Continent Vanilla Soymilk for consideration as well. This product meets USDA guidelines for Soy Milk. A copy of the USDA eligibility letter is attached for your reference.

Please provide your approval to submit this product via your online tool for consideration for the new CA WAFL.

Response: At this time, the Department will not be changing its policy prohibiting flavored soy-based beverages. Since 2009, a goal of the Department has been to promote, when possible, the consumption of whole foods by limiting added flavors. Not authorizing flavored soy-based beverage is consistent with this goal. We are proposing to authorize flavored yogurt because data, (as detailed on pages 125–127 of Attachment 1 of [WIC Regulatory Alert 2015-02](http://www.cdph.ca.gov/programs/wicworks/Documents/Regulatory%20Alert/Regulatory%20Alert%202015-02%20WIC%20Authorized%20Food%20List%20Amendment.pdf), see <http://www.cdph.ca.gov/programs/wicworks/Documents/Regulatory%20Alert/Regulatory%20Alert%202015-02%20WIC%20Authorized%20Food%20List%20Amendment.pdf>), indicate a marked preference by participants for flavored yogurt and a demonstrated lack of knowledge about how to use/consume plain yogurt. Authorizing plain yogurt only may result in low participant consumption of yogurt, which could lead to participants missing out on nutritional benefits. Offering the two flavors in addition to plain represents a compromise between meeting our goal of limiting foods with added flavors and trying to ensure that we offer foods participants will consume. Other food categories in this regulatory package, such as milk, soy, breakfast cereal, tofu, etc., prohibit added flavors/ flavorings as a means to support the Department’s goal of providing whole foods without added flavors.

4. **Comment:** I wanted to send written comments regarding some concerns on the food groups/items,

(a) Breakfast Cereal Category

(1) The following breakfast cereals are authorized by brand and product name in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category

There has always been a concern on the 12 ounce size of branded cereal. The 12 ounce size is normally higher retail price than the 18 or 24 ounce size cereal, which are the value sizes.

It seems that when a customer purchases 3- 12 ounce boxes the retails surpass the MADR for that voucher. Most vouchers are 36 to 54 ounces and the authorized cereals should be 18 to 24 ounce only.

(b) Organic Products

Some items are not authorized, but other items are authorized.

We should not allow Organic products on any of the food groups, other than produce. Generally organic goods cost more to the retailers, so the retails are higher than the non-organic items.

So if the consumers wants organic produce, they will get less number of produce items for the value of the voucher. You can get more regular cucumbers than you can organic cucumbers, etc.

It seems that the organic items such as baby cereal and baby food exceed the MADR, when purchased instead of the conventional baby foods. Organic baby food and cereal should be removed from the authorized lists, or increase the MADR, we cannot continue to lose money on this voucher.

(c) Soy Milk

Shelf stable soy milk

The voucher should state whether it is a refrigerated soy milk or a shelf stable soy milk. The conversion rate on shelf stable to refrigerated soy milk is too much product and exceeds the MADR.

The voucher should state specifically which type of soy milk not a choice.

(d) Private Label versus brands

Price difference between the two

We should always look at how to control the cost of the program and where possible we should stress the purchase of private label. There generally no difference in quality between the two, and a significant savings for the food program.

I really want to thank you for the opportunity to write my concerns as a retailer on the authorized food groups. My concerns are based on the fact that we are watching the value of the vouchers being less than the retails on the items that are authorized. So if we can continue to assist with a value I believe that we all make this program work for all of us, and the consumer will be satisfied with the selections.

Response: The Department will address each of this commenter's concerns below.

(a) Breakfast Cereal

This commenter expressed concerns about the authorized twelve ounce package size for cereal, its higher cost than other package sizes, and potential for exceeding the Maximum Allowable Department Reimbursement (MADR) rate. The Department understands that twelve ounce package sizes are more expensive. This size, however, will continue to be authorized for several reasons. First, it provides the benefit of helping participants to purchase their federally-mandated full benefit of breakfast cereal, which is typically thirty-six ounces. A participant can purchase three twelve ounce packages or combine one twelve ounce package with an authorized twenty-four ounce size package to add up to the thirty-six ounce full benefit. Additionally, the Department has no current price data available for authorized cereals in twelve ounce packages, which would be needed to perform an analysis about cereals in twelve ounce package's effect on the MADR. The process for obtaining this information and performing research, analysis, and enacting authorized container size changes is a lengthy one and cannot be completed prior to the deadline for adopting this final bulletin.

The commenter also asked that the Department consider authorizing eighteen and twenty-four ounce package sizes only. The Department will not make this change because it would limit the variety of cereals available as many authorized cereals are not produced in both of these sizes. Limiting authorized cereal sizes to eighteen and twenty-four ounce packages would make it very difficult for participants to purchase the full thirty-six ounce benefit if a cereal is not available in an eighteen ounce package. If a participant's preferred choice of cereal is only available in a twenty-four ounce package size, they may choose to purchase that size, sacrificing their full benefit, causing them to miss out the full nutrition benefits associated with cereal consumption. At this time, the Department will continue to authorize twelve ounce cereals for the reasons described above. Though the Department is unable to currently make the change requested by the commenter, we will examine this issue and monitor the MADRs for these food items in order to track this concern for future action, should it be necessary.

(b) Organic Products

This commenter made two suggestions: prohibiting organic for any food other than produce and either prohibiting organic infant foods or increasing the MADRs for organic infant foods. The Department does not have complete price data available for all authorized organic products, including infant products. The Department cannot change requirements without completing a full cost analysis of the fiscal impact of authorizing organic products. The process for obtaining these data and performing research, analysis, and changing policy requires additional staff resources and time. Therefore, at this time, the Department will continue to authorize organic products in some food categories. However, the Department will monitor the MADRs for food instruments that allow the purchase of organic items in order to track these concerns for potential future action, should it be necessary.

The commenter's other suggestion to increase the MADRs for organic infant foods is outside the scope of this regulatory amendment, which addresses authorization requirements for WIC foods, therefore the Department will not be making this change. The Department will monitor the MADRs for food instruments that include these foods for possible future action.

(c) Soy Milk

This comment suggested listing only a single soy-based beverage size on the food "voucher," instead of both because of the effect on the MADR. This is outside of the scope of this regulatory amendment, which addresses authorization requirements for WIC foods. Therefore, at this time, the Department will continue to print both sizes of soy milk on the same food instrument. The Department will monitor the MADRs for food instruments that include these foods in order to track this concern for possible future action, should it be necessary.

(d) Private Label

This comment about stressing the importance of purchasing private label products is outside of the scope of this regulatory amendment, which addresses authorization requirements for WIC foods. The requirements for many of our food categories have the flexibility that enables private label products to be authorized. Encouraging the purchase of private label products is a participant education issue and the Department will pass this comment on to the appropriate Department staff in charge of that education.

5. **Comment:** I was wondering about the Canned Fruits section.

82500 WIC Authorized Food List: Fruits and Vegetables, 4 (B) 5 and 6

Why are “Canned fruit cocktail” and “Mixed fruit with cherries” never authorized?

82100 WIC Authorized Food List: Breakfast Cereal

(4)

(D) Organic cereal.

What is the rationale for not authorizing organic breakfast cereal?

In regards to the change of the Quart of milk to the quart of yogurt- how will the Department ensure statewide availability of the full food supplemental food package (which now includes WIC authorized brands and types of yogurt) at WIC approved stores to the Children & Women participants?

(currently according to the California WIC Food Package descriptions link:

<http://www.cdph.ca.gov/programs/wicworks/WIC%20Foods/WIC-Food-JobAidBasicFoodPackageDescription-July-5-2011.pdf>

The All Children, Prenatal women, Breastfeeding Women & Non breastfeeding women have a Quart of milk in the food packages- which to my understanding will be replaced by Yogurt)

Response: The Department will address each of this commenter’s questions/areas of concern below.

The prohibition of canned fruit cocktail was promulgated in WIC Regulatory Bulletin 2012-02. WIC Regulatory Alert 2015-02 proposes to also prohibit mixed fruit with cherries because they are fruit cocktail under a different name. This amendment continues the intent of the original prohibition. The Department prohibits fruit cocktail in order to eliminate participant and vendor confusion when identifying authorized products. Generally, fruit cocktail is packaged in syrup, which is typically sweetened with prohibited ingredients, such as sugar or artificial sweetener. Although not all fruit cocktails are sweetened, most are, and the Department prohibited all fruit cocktails so that the participant and vendor would not have to bear the burden of trying to identify which products are authorized. The Department is proposing to add the prohibition of mixed fruit with cherries products (which are also generally packed in sweetened syrup) to clarify

that they are not authorized for the same aforementioned reasons that fruit cocktail was initially prohibited.

This commenter asked for the Department's rationale for not authorizing organic breakfast cereal. The Department's rationale was explained on page 14 of Attachment 1 of Regulatory Alert 2015-02, which stated it will not be authorized because it is typically more expensive than non-organic breakfast cereal. This policy aligns with USDA's guidance encouraging state agencies to "limit organic products" to help contain food costs.

This commenter also asked about how the Department will ensure the statewide availability of the proposed quart of yogurt offering. At this time, the Department does not plan to add yogurt to the vendor Minimum Stocking Requirements, though we will monitor if there is a need to do so. The Department does not anticipate that vendors will have a problem ensuring the availability of yogurt, due to a variety of factors, which include: the high volume of brands and products authorized, the prominence of the brands authorized (e.g., Dannon and Yoplait), and because it is anticipated that yogurt will be very popular with WIC participants such that vendors will carry yogurt to retain participant customers who can shop at any authorized WIC vendor.

6. **Comment:** To Whom it May Concern –

Thank you for the great information we received during the Webinar on Friday, Nov. 13.

Food4Less and Ralphs have the following concerns regarding the Food Item Groups:

- **Whole Grains** – the cost for 100% whole wheat bread is significantly higher than for the other subcategories in the Whole Grains Food Item Group; it seems that the 100% whole wheat bread should have its own MAR....
- **Infant Fruits & Vegetables and Infant Cereal** – as was discussed during the webinar, organics have a higher cost, and have been disallowed for many Food Item Groups. In this case, the MAR is *less than our cost* for organic Infant Fruits & Vegetables and organic Infant Cereal... disallow organics here as well **or** consider a higher MAR for this Food Item Group....

- **Breakfast Cereal** – the MAR is rapidly reaching our cost on authorized items... and we already have many items allowed for CA WIC where the allowance is *less than our cost!* Reconsider the MAR amount....
- **Milk** – Consider a higher MAR with any Food Instrument allowing Cow's Milk because if the WIC Customer chooses the higher quality *authorized* Cow's Milk, the total cost of the food instrument will go above the MAR

Let me know if you need additional information.

Thanks in advance for your consideration

Response: The Department will address each of this commenter's questions/areas of concern below.

- **Whole Grains**
This commenter's suggestion that whole wheat bread be separated from the other whole grains options to have its own MADR is outside of the scope of this regulatory amendment, which addresses authorization requirements for WIC foods. Therefore the Department will not make the requested change; however, the Department will monitor the MADRs for food instruments that allow whole grains items to be purchased in order to track this concern for possible future action, should it be necessary.
- **Infant Fruits and Vegetables and Infant Cereal**
This comment made two suggestions: either disallow organic products for these categories or increase the MADRs for them. Requests for MADR changes are outside the scope of this regulatory amendment, which addresses authorization requirements for WIC foods. Therefore, the Department will not make the requested change to increase the MADRs for food instruments that include infant foods. Additionally, the Department will not make the requested change to prohibit organic infant foods at this time. A full cost analysis would need to be performed to make this requested change, and the Department does not have the sufficient recent cost data needed to fully analyze the cost of organic infant foods for possible prohibition. The Department will monitor the MADRs for food instruments that include these foods in order to help determine if potential future action is necessary. If these data indicate the need for action, the Department will work to obtain the cost data for organic infant foods necessary for a full analysis. The process for obtaining this information

and performing research and analysis is a lengthy one and cannot be completed prior to the deadline for adopting this final bulletin.

- **Breakfast Cereal**

This comment requesting that the Department increase the MADRs for breakfast cereal is outside of the scope of this regulatory amendment, which addresses authorization requirements for WIC foods. Therefore the Department will not make the requested change. The Department will, however, monitor the MADRs for food instruments that include breakfast cereal in order to track this concern for potential future action, should it be necessary.

- **Milk**

This comment requesting the Department increase the MADRs for milk is also outside of the scope of this regulatory amendment, which addresses authorization requirements for WIC foods. Therefore, the Department will not make the requested change; however, the Department will monitor the MADRs for food instruments that include milk in order to track this concern for potential future action, should it be necessary.

7. **Comment:** Thank you for the opportunity to comment on the proposed changes to the California Women, Infants and Children Program (WIC). We, the National Yogurt Association (NYA), commend the California Department of Public Health (CDPH) for adding yogurt to its authorized foods list. We thank CDPH for their consideration of our previous comments and their letter making NYA aware of the change dated November 2, 2015.

NYA is the national nonprofit trade association representing producers of live and active culture (“LAC”) yogurt products as well as suppliers to the yogurt industry. NYA sponsors scientific research regarding the health benefits associated with the consumption of yogurt with LACs, and serves as an information resource for the American public about these attributes.

We understand that the California WIC Program has adopted stricter requirements for yogurt than the ones the U.S. Department of Agriculture (USDA) specified in their Final Rule. NYA is particularly concerned about some of these requirements. NYA encourages CDPH to reduce these barriers and expand the degree to which WIC mothers and children may access yogurt as a

convenient, enjoyable, and nutrient-dense milk alternative.

First, NYA is concerned that only quart size containers of yogurt have been approved even though the U.S. Department of Agriculture (USDA) allows for all container sizes, including single serve containers and single serve multipacks, to be considered in WIC food packages. Unlike quart size containers, single serve containers are convenient, portable, and easy to put in a lunch box or eat on the go. They may also reduce the amount of wasted WIC foods as small container sizes would alleviate some participants' concerns with spoilage. In addition, having smaller serving sizes available may support participants' efforts to better manage portion control and caloric intake. Moreover, small package sizes can give WIC mothers a convenient way to allow and encourage their toddlers to self-feed without the need for a separate bowl. Finally, allowing single serve containers is essential for expanding access to yogurt as it would also increase the diversity of available flavors and texture, making yogurt's nutritious properties more accessible for all taste preferences. Only approving quart size containers may have the unintended consequence of limiting WIC participants' access to, and choice of, yogurt. As a result, they may be unable to take full advantage of the many nutritional benefits yogurt provides and may unfortunately choose to not redeem the totality of their dairy WIC allowance.

Second, NYA asserts that the state specific total sugar limit of 35 grams could even be strengthened more and would suggest considering a limit of 30 grams per 8 ounces. This limit is the one the Institute of Medicine set for yogurt in its 2007 report on competitive foods in schools. Moreover, we are aware that sugar content at the current level of 35 grams per 8 ounces may be perceived as a barrier by some WIC nutrition educators to recommend yogurt to their participants, despite the undisputed nutritional benefits yogurt provides to WIC women and children. The yogurt industry is already engaged in ongoing efforts to reduce the total sugar content of yogurt. There are already a significant portion of the products available to consumers at or below 30 grams total sugar per 8 ounces. Reducing allowed levels of total sugar in WIC approved yogurts to a level of 30 grams per 8 ounces is an achievable goal that would help reassure WIC nutrition educators, health practitioners and WIC mothers that yogurt can be part of a balanced diet.

Finally, NYA is concerned that no yogurts made with low-calorie sweeteners are approved for women's foods packages. USDA neither specifies the type of sweetener ingredients that can be used in yogurt nor prevents the use of low-calorie sweeteners. As a result, low-calorie sweeteners are permitted for use in

yogurt across all WIC packages that include yogurt. Yogurt with low-calorie sweeteners may be able to help support a healthy diet for women trying to manage their weight and/or control diabetes. CDPH's restriction on low-calorie sweeteners significantly limits access of WIC participants to nutritious yogurt options in a variety of flavors. NYA urges CDPH to include yogurt options with low-calorie sweeteners, in addition to plain yogurt and options that use caloric sweeteners within allowed amounts.

We respectfully ask the California WIC Program to consider these changes and additions to the state criteria. Please let us know if we can provide any additional information on the dairy industry in California or the yogurt category.

Response: The Department will address each of this commenter's requests below.

The Department will not make the requested changes at this time. Specifically, this commenter requested that the Department consider authorizing container sizes other than quarts, a change the Department will not make due to the potential for cost savings associated with authorizing quarts only. Though it is suggested by the commenter that there are potential benefits associated with authorizing smaller containers, the Department does not find the associated benefits strong enough to outweigh the benefit of the cost savings that will be achieved by authorizing quart-sized yogurt only. Not allowing smaller containers and authorizing quarts only will help contain food costs, while still providing participants with the nutrition and associated health benefits that yogurt consumption provides.

Additionally, it was requested that the Department adopt a stricter sugar limitation of thirty grams per eight ounces of yogurt, which is less than the thirty-five grams of sugar per eight ounces the Department is proposing. Making this limitation stricter, as suggested, would potentially eliminate all flavored yogurts meeting proposed requirements from being authorized. As stated in Attachment 1 of Regulatory Alert 2015-02, the Department does not want to eliminate flavored yogurt altogether because data shows that participants far prefer flavored yogurt over plain yogurt, making it appropriate to authorize flavored yogurt to promote yogurt consumption in order provide participants with the health benefits associated with calcium intake. For these reasons, the Department will not be setting a stricter sugar limitation requirement than initially proposed.

Finally, the Department will not grant the commenter's request to authorize yogurts with low-calorie sweeteners. The Department appreciates the commenter's assertion that authorizing these products "may be able to help support a healthy diet for women trying to manage their weight and/or control diabetes;" however, the body of research on short- and long-term health effects of these types of sweeteners for adults is inconclusive. As a result, the Department chooses to take a conservative stance and prohibit yogurt products with low-calorie (or artificial and no-calorie) sweeteners.

For a more detailed discussion of the Department's reasons for authorizing quart sizes only, setting the sugar limitation requirement at less than thirty-five grams of sugar per eight ounces, and prohibiting yogurts with low-calorie sweeteners, please see pages 125–130 of [Attachment 1 of WIC Regulatory Alert 2015-02](#), which can be reviewed at:

<http://www.cdph.ca.gov/programs/wicworks/Documents/Regulatory%20Alert/Regulatory%20Alert%202015-02%20WIC%20Authorized%20Food%20List%20Amendment.pdf>.