This document provides a complete listing of all WIC Bulletin Regulation sections adopted as of August 2, 2019. The California Department of Public Health/WIC Division is providing this document to provide greater accessibility to the WIC Bulletin Regulations.

The regulations linked herein, and available at https://www.cdph.ca.gov/Programs/CFH/DWICSN/Pages/LawsandRegulations.aspx, are the Department’s official regulatory actions. In case of any discrepancies between the sections appearing in this document and the WIC Regulatory Bulletins, the WIC Regulatory Bulletins control.
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ARTICLE 1. ADOPTION OF FEDERAL MANDATORY REQUIREMENTS
Article 1. Adoption of Federal Mandatory Requirements

The California Department of Public Health, which administers the California WIC Program, adopts the following rule into California regulation:

All persons and entities participating in the California WIC Program, including participants, local agencies, vendors and contractors, shall be subject to all the mandatory federal requirements contained in:

- The Child Nutrition Act of 1966 and the amendments thereto (Chapter 13A (commencing with Section 1786) of Title 42 of the United States Code
- Part 246 of Title 7 of the Code of Federal Regulations
- All federal memoranda and guidance letters clarifying and interpreting the federal laws and regulations as the requirements of the WIC Program

Mandatory requirements include all federal directive language and definitions. Federal directive language includes, but is not limited to, all requirements that the State Agency “must”, “shall”, or “will” meet and all requirements that do not permit discretion by the State agency.


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ARTICLE 2. PEER GROUP CRITERIA
Article 2. Peer Group Criteria

50000 Peer Group Criteria.

(a) For the purposes of this article “Department” is defined as the Department of Public Health, and the "Program" and “WIC” are defined as the California Special Supplemental Nutrition Program for Women, Infants, and Children.

(b) The Department shall place vendors in an appropriate peer group category and subgroup, if applicable, when authorizing a vendor by applying the requirements set forth in this section and in sections 50100, 50200 and 50300. The Department may reassign a vendor to a different peer group category or subgroup at any time during the term of the vendor agreement. The Department shall notify the vendor of its peer group category and subgroup assignment at authorization or at the time of any subsequent changes in assignment.

(c) The Department shall make peer group category and subgroup assignments based on its review and assessments of the vendor at the time of the vendor’s initial authorization and as part of vendor monitoring at any time during the term of the vendor agreement, according to the requirements in this section.

(d) Vendors shall be reassessed based on their records using criteria in Section 50100 within six (6) months of authorization, annually, at reauthorization, and at any time during the term of the vendor agreement. In order to reassess a vendor, the Department shall request that the vendor provide a copy of its California Board of Equalization (BOE) State, Local and District Sales and Use Tax Return statement for the period of time specified by the Department. A vendor must provide the BOE State, Local and District Sales and Use Tax Return statement to the Department within thirty (30) days of the date on which the vendor received the Department's request for the statement. If a vendor does not file a BOE State, Local and District Sales and Use Tax Return statement because that vendor does not sell any taxable goods or if a vendor applicant has not filed a State, Local and District Sales and Use Tax Return statement with the BOE within 6 months of authorization because the vendor files these statements annually, the vendor must submit the materials specified in Section 50100(a)(2)(B)(1). If the vendor fails to submit the BOE State, Local and District Sales and Use Tax Return statement or the alternate materials in Section 50100(a)(2)(B)(1) within thirty (30) days from receipt of the request, the Department shall deny reauthorization of the vendor, or, if the vendor is not in the reauthorization process, place a vendor in Peer Group Category C.

(1) For the purposes of this section, “date of receipt” shall mean the date indicated on the United States Postal Service delivery confirmation when delivered to the vendor’s most recent business ownership address on file with the Department.

(e) The Department shall conduct an on-site visit upon initial authorization of a vendor and may conduct on-site visits at other times during the term of the vendor agreement, as part of
vendor monitoring, for the purposes of reviewing inventory to assign or verify a vendor’s peer group category and subgroup assignment.

(1) On-site visits shall be conducted during the vendor’s regular business hours, and Department staff conducting the visit shall identify themselves upon arrival. The Department is not required to notify the vendor of the on-site visit in advance of arrival.

(2) During the on-site visit, the vendor shall provide the Department staff with access to its food stock. All food items must be documented by invoices or transfer documents specific to that store location. When an on-site visit occurs at the same time as vendor monitoring, the vendor shall provide access to inventory records.

(3) The Department’s on-site review of inventory for peer group assignment shall include only food items in the public area of a vendor’s store where merchandise is available for purchase, and infant formula, infant meats, and milk in storage on the premises of the vendor location, at the time Department staff arrives on the premises for the assessment.

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50100 A-50 Peer Group/Category A.

(a) Vendors receiving more than fifty (50) percent of their annual food sales revenue from WIC redemptions and those vendor applicants expected to meet this criterion shall be classified as above-50-percent (A-50) vendors and placed in Peer Group Category A. The Department shall take the following steps to assess whether a vendor shall be placed in Peer Group Category A:

(1) Upon initial application, the Department shall ask vendor applicants if they believe they will meet the criteria for Peer Group Category A.

(A) If an applicant answers in the affirmative, the Department shall place the vendor in Peer Group Category A.

(B) If an applicant answers in the negative, the Department will make the assessment according to the following criteria and shall place a vendor in Peer Group Category A based on any one of these criteria.

1. If a vendor applicant is requesting authorization of a new store location and owns other WIC authorized stores, the Department shall first determine if the vendor applicant owns an existing authorized A-50 store. If the vendor applicant ownership owns at least one (1) existing authorized A-50 store, the Department shall then calculate WIC redemptions as a percent of total food sales of all the
existing WIC authorized stores owned by the vendor applicant. If the combined total WIC redemptions of the vendor’s stores exceed 50 percent of the combined total food sales the applicant store will be placed in Peer Group Category A.

2. The Department shall request from the vendor applicant the percentage of anticipated food sales by type of payment, including cash, Supplemental Nutrition Assistance Program (SNAP), WIC, and credit/debit card. If the vendor’s anticipated WIC sales are more than 50 percent of the anticipated food sales, the vendor applicant will be placed in Peer Group Category A.

3. The Department shall review the actual food items present at the preauthorization on-site visit described in Section 50000. If the food items indicate that the vendor’s inventory is more than 50 percent WIC authorized supplemental food items, the vendor applicant shall be placed in Peer Group Category A.

4. If the Department receives notification from a new vendor applicant otherwise qualified for authorization that WIC authorization is required in order for the store to open for business, the vendor applicant will be placed in Peer Group Category A.

(2) Within six (6) months of authorization, the Department shall re-assess whether a new vendor should be placed in Peer Group Category A using the following criteria:

(A) The Department shall compare the total dollar amount of a vendor’s WIC redemptions to the total dollar amount of a vendor’s SNAP redemptions for the period which the vendor has been authorized. When comparing a vendor’s WIC redemptions to SNAP redemptions the Department shall consider only WIC redemption information from the Department and SNAP redemption information provided by the California Department of Social Services and the United States Department of Agriculture (USDA). If the vendor’s SNAP redemptions exceed WIC redemptions for the period during which the vendor has been authorized the vendor shall not be considered an A-50 vendor.

(B) If the total dollar amount of the vendor’s WIC redemptions exceeds the total dollar amount of its SNAP redemptions, the Department shall compare total dollar amount of the vendor’s non-taxable food sales from the vendor’s most recent BOE State, Local and District Sales and Use Tax Return statement to the total dollar amount of the vendor’s WIC redemptions for the same time period. If the vendor’s WIC redemptions exceed 50 percent of the non-taxable food sales for the time period covered by the tax return statement, the Department shall place the vendor in Peer Group Category A.

1. If a vendor does not file a BOE State, Local and District Sales and Use Tax Return statement because that vendor does not sell any taxable goods or if a
vendor has not filed a State, Local and District Sales and Use Tax Return statement with the BOE within 6 months of authorization because the vendor files these statements annually, the Department may require the vendor to submit monthly sales statements with inventory records detailing the vendor’s sales for SNAP eligible foods and total sales for the period of time specified by the Department. This vendor must certify that the information included in this statement is true and correct. If the vendor’s WIC redemptions exceed 50 percent of the non-taxable food sales for the time period covered by the sales and inventory records, the Department shall place the vendor in Peer Group Category A.

(3) In addition to the assessments set forth in Section 50100(a)(1-2), the Department shall assess all authorized vendors annually, or, as part of vendor monitoring at any time during the term of the vendor agreement, to determine if a vendor’s WIC redemptions are more than 50 percent of its total food sales. The Department shall use the following criteria to determine if an authorized vendor shall be placed in Peer Group Category A:

(A) The Department shall compare the total dollar amount of the vendor’s WIC redemptions for the most recent twelve (12)-month period to the total dollar amount of the vendor’s SNAP redemptions for the same period. If SNAP redemptions exceed WIC redemptions, the Department shall not consider the vendor an A-50 vendor. When comparing a vendor’s WIC redemptions to SNAP redemptions the Department shall consider only WIC redemption information from the Department and SNAP redemption information provided by the California Department of Social Services and the USDA.

(B) If the total dollar amount of the vendor’s WIC redemptions exceeds the total dollar amount of its SNAP redemptions for the most recent twelve (12)-month period, the Department shall compare the total dollar amount of the vendor’s non-taxable food sales from the vendor’s most recent BOE State, Local and District Sales and Use Tax Return statement(s) for the same twelve month period to the total dollar amount of the vendor’s WIC redemptions covering the same time period. If WIC redemptions exceed fifty (50) percent of food sales for the time period covered by the tax return statement, the Department shall place the vendor in Peer Group Category A.

1. If a vendor does not file a BOE State, Local and District Sales and Use Tax Return statement because that vendor does not sell any taxable goods, the Department may require the vendor to submit monthly sales statements with inventory records detailing the vendor’s sales for SNAP eligible foods and total sales for the period of time specified by the Department. This vendor must certify that the information included in this statement is true and correct. If the vendor’s WIC redemptions exceed 50 percent of the non-taxable food sales for the time period covered by the sales and inventory records, the Department shall place the vendor in Peer Group Category A.
(4) When comparing a vendor's total dollar amount of non-taxable food sales as reported on the vendor’s BOE State, Local and District Sales and Use Tax Return statement, the Department will not include the dollar amount of sales to other retailers for the purposes of resale.

(5) The Department may require a vendor to provide copies of inventory, sales, and other records for inspection in order to verify the accuracy of information used in the assessment process.

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50200 Full-Line Grocery Peer Group/Category B.

(a) Vendors receiving less than or equal to fifty (50) percent of their annual food sales revenue from WIC redemptions who meet the definition of a full-line grocery store shall be classified as full-line grocers and placed in Peer Group Category B.

(1) For the Purposes of this section, the Department shall use the following definitions to determine variety and quantity of food items stocked:

(A) A variety includes different types of food items in the food group. For purposes of this section, food groups include cereals, breads/tortillas, fresh dairy products, fresh fruits and vegetables, and fresh meats/poultry/seafood. For example, a variety of dairy products includes eggs, cheese, milk, yogurt, and butter. A variety of cereal includes but is not limited to shredded wheat, toasted o’s, corn flakes, rice flakes, puffed rice, oatmeal, and cream of wheat. A variety of breads includes but is not limited to rye, whole wheat, white, and multi-grain. A variety of breads also includes different forms of bread, regardless of the grain; for example, a variety of bread includes rolls, a whole loaf, a pre-sliced loaf, and buns. A variety of fresh meats includes but is not limited to different cuts of the same type of fresh meat. For example, a variety of fresh meats includes boneless chicken breasts, chicken legs, whole chicken and ground chicken.

(B) The variety requirement cannot be met by stocking different brands or flavors of the same food item. For example, a variety of fresh dairy products does not include five (5) different brands of yogurt. A variety of fresh dairy products also does not include five (5) different flavors of yogurt. A variety of cereal does not include different brands of the same type of cereal or different flavors of the same brand. For example, a variety of cereal does not include different brands of puffed rice or different flavors of toasted o’s. Rolled oats, steel cut oats and instant oatmeal shall not count as more than one (1) variety.
(C) For food items packaged for sale as one item, a unit shall mean one package.

(D) For food items sold in bulk quantities, a unit shall be determined by the method in which the food item is sold. For example, if produce or meat is sold by weight, a unit shall be one pound. For example, for bananas, apples, oranges and other fruits sold by the pound, one pound shall be one unit.

(E) For products sold in set quantities, a unit shall be one (1) set quantity. For example, a head of lettuce sold by the head shall be one (1) unit. An avocado or banana sold individually shall be one (1) unit.

(F) For the purposes of this section, “fresh” food items shall not include cooked, frozen, canned, dried, or other shelf stable food items.

(2) A full-line grocer shall be defined as a vendor stocking the following:

(A) Cereal: five (5) or more varieties with five (5) units of each variety. Single serving units of cereal packaged for sale will not be counted toward the variety or quantity required to meet the full-line grocery definition described in this subsection.

(B) Breads/Tortillas: four (4) or more varieties with five (5) units of each variety. Frozen breads will not be counted toward the variety or quantity required to meet the full-line grocery definition described in this subsection.

(C) Fresh Dairy Products: five (5) or more varieties with five (5) units of each variety.

(D) Fresh Fruits and Vegetables: seven (7) or more fresh fruits and seven (7) or more fresh vegetable varieties with five (5) units of each variety.

(E) Fresh Meats/Poultry/Seafood: four (4) or more varieties with five (5) units of each variety.

(3) Vendors assigned to Category B shall be assigned to subgroups based on the number of cash registers in the vendor store:

(A) 1-2 registers

(B) 3-5 registers

(C) 6-9 registers

(D) 10+ registers
(E) Only registers that comply with W.B.R. §70300 shall be counted in accordance with the following subsections:

1. All registers must be counted whether they are used full time or occasionally.

2. All registers in specialty locations or sections shall be counted if those registers transact any foods sales as defined in 7 C.F.R. §246.2. Examples of specialty locations or sections include but are not limited to jewelry, clothing, and electronics.

3. Specialty locations shall not be included in the register count if the location does not have a register.

4. Automated Teller Machines (ATMs) or in-store banks with registers shall not be included in the register count.

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50300 Other Peer Group/Category C.

Vendors meeting the authorization criteria described in WIC Regulations by Bulletin Article 4 that do not meet the criteria for placement in Peer Group Categories A or B shall be placed in Peer Group Category C.

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ARTICLE 3. REIMBURSEMENT SYSTEM FOR VENDORS
Article 3. Reimbursement System for Vendors

60000 Definitions.

(a) For purposes of this article, the following definitions apply:

(1) Actual Selling Price. The Actual Selling Price is the amount the vendor entered on the paper food instrument, or transmitted for reimbursement through an electronic benefit transfer (EBT) capable Point of Sale System, at the time of sale. The Actual Selling Price must take into account all store, coupon, advertised, or other discounts applied to the sale.

(2) Authorized Product List Category. An Authorized Product List (APL) Category is the Department’s classification of authorized supplemental foods by category in the APL. Examples of APL Categories include the Breakfast Cereal, Eggs, and Legumes Categories.

(3) Authorized Product List Subcategory. An Authorized Product List (APL) Subcategory is the Department’s classification of similar foods within an APL Category. For example, the Yogurt APL Category includes three (3) APL Subcategories: Yogurt - Whole Milk, Yogurt - Low Fat, and Yogurt - Non Fat.

(4) Benefit Unit. A Benefit Unit is the standard unit of measurement for an APL Subcategory. For example, the Benefit Unit for each of the Breakfast Cereal APL Subcategories is an ounce, while the Benefit Unit for the Peanut Butter APL Subcategory is a jar.

(5) Competitive Average Redemption Value.

(A) For the paper food instrument system, the Competitive Average Redemption Value (CARV) is a twelve (12)-week average, calculated using paper food instrument redemption data from Large Full Line Grocers.

1. For Unit-Priced Food Instruments: The CARV shall be calculated as a dollar sum of all redemptions by Large Full Line Grocers for the same supplemental food across all paper food instruments that include only that supplemental food, divided by the sum of the Quantity of Units contained on the paper food instruments redeemed by Large Full Line Grocers, rounded up to the nearest one (1) cent.

2. For Non-Unit Priced Food Instruments: The CARV shall be calculated for each Food Item Number as a dollar sum of all redemptions by Large Full Line Grocers, divided by the number of paper food instruments redeemed by Large
Full Line Grocers, rounded up to the nearest one (1) cent.

(B) For the EBT food instrument system, the CARV is an average calculated using EBT transaction data from Large Full Line Grocers.

1. For Universal Product Code (UPC) level calculations: The CARV shall be calculated as a dollar sum of all EBT transactions by Large Full Line Grocers for the same UPC, divided by the quantity of UPCs redeemed by Large Full Line Grocers, rounded up to the nearest one (1) cent.

2. For APL Subcategory level calculations: The CARV shall be calculated by Benefit Unit as a dollar sum of all EBT transactions by Large Full Line Grocers across all UPCs within the same APL Subcategory, divided by the quantity of Benefit Units redeemed by Large Full Line Grocers, rounded up to the nearest one (1) cent.

(6) Department. The Department is the California Department of Public Health and the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program).

(7) Food Instruments, Non-Unit Priced. Non-Unit Priced Food Instruments are paper food instruments, as defined in 7 Code of Federal Regulations part 246.2 and adopted by WIC Regulatory Bulletin 2012-01, that contain either a single supplemental food or a combination of various supplemental foods in both the “What to buy” section and identified by the Food Item Number found on the face of the paper food instrument, but do not specify a specific quantity or package size in the “What to buy” section. An example of a Non-Unit Priced Food Instrument is a paper food instrument for sixteen (16) to eighteen (18) ounces of peanut butter.

(8) Food Instruments, Unit-Priced. Unit-Priced Food Instruments are paper food instruments, as defined in 7 Code of Federal Regulations part 246.2 and adopted by WIC Regulatory Bulletin 2012-01, that contain one or more quantities of a single supplemental food with a specific package size and are differentiated for quantity in both the “What to buy” section and the Food Item Number found on the face of the paper food instrument. An example of a Unit-Priced Food Instrument is a paper food instrument for two (2) twelve and a half (12.5) ounce cans of infant formula.

(9) Food Item Number. A Food Item Number is a four (4)-digit number found on the face of a paper food instrument or cash-value voucher (CVV) that corresponds to an individual supplemental food or group of supplemental foods by quantity or dollar amount.

(10) Large Full Line Grocers. Large Full Line Grocers are vendors assigned to Peer Group Category B Register Count Subgroups 6-9 and 10+, as defined in section 50200.
(11) **Maximum Allowable Department Reimbursement.** The Maximum Allowable Department Reimbursement (MADR) rate is the maximum reimbursement paid to WIC authorized vendors in exchange for providing WIC supplemental foods to program participants. MADR rates are determined based on the type of food instrument, e.g., paper food instruments or EBT food instruments. MADR rates for paper food instruments are calculated based on redemption by Food Item Number. MADR rates for EBT food instruments are calculated based on redemption by an authorized food product’s APL Category, APL Subcategory, and/or UPC.

(12) **Peer Groups.** Peer Groups are the classification of authorized vendors into groups, based on common characteristics or criteria that affect food prices, for purposes of applying appropriate competitive price criteria to vendors at authorization and limiting payments for food to competitive levels. Regulations defining Peer Group Categories and Register Count Subgroups are located in section 50000 et seq.

(13) **Quantity of Units.** Quantity of Units is the number of supplemental food items contained on a Unit-Priced Food Instrument.

(14) **Statewide Average.**

(A) For the paper food instrument system, the Statewide Average is a twelve (12)-week average of paper food instrument redemption data from Peer Group Category B and C vendors, excluding paper food instruments that are identified as partially-redeemed pursuant to section 60300, subsection (f).

1. For Unit-Priced Food Instruments: The Statewide Average shall be calculated as a dollar sum of all redemptions by Peer Group Category B and C vendors for the same supplemental food across all paper food instruments that include only that supplemental food, divided by the sum of the Quantity of Units contained on the paper food instruments redeemed by Peer Group Category B and C vendors, rounded up to the nearest one (1) cent. This calculation shall exclude paper food instruments that are identified as partially-redeemed pursuant to section 60300, subsection (f).

2. Non-Unit Priced Food Instruments: The Statewide Average shall be calculated for each Food Item Number as a dollar sum of all redemptions by Peer Group Category B and C vendors, divided by the number of paper food instruments redeemed by Peer Group Category B and C vendors, rounded up to the nearest one (1) cent. This calculation shall exclude paper food instruments that are identified as partially-redeemed pursuant to section 60300, subsection (f).

(B) For the EBT food instrument system, the Statewide Average is an average of EBT redemption data from Peer Group Category B and C vendors.
1. For UPC-level calculations: The Statewide Average shall be calculated as a dollar sum of all EBT redemptions by Peer Group Category B and C vendors for the same UPC, divided by the quantity of UPCs redeemed by Peer Group Category B and C vendors, rounded up to the nearest one (1) cent.

2. For APL Subcategory-level calculations: The Statewide Average shall be calculated by Benefit Unit as a dollar sum of all EBT redemptions for Peer Group Category B and C vendors across all UPCs within the same APL Subcategory, divided by the quantity of Benefit Units redeemed by Peer Group Category B and C vendors, rounded up to the nearest one (1) cent.

(15) **Tolerance Factor.** A Tolerance Factor is a percentage adjustment the Department applies to the CARV as part of a MADR rate calculation to account for differences in vendor prices due to store size and the variety of brands and package sizes stocked by the store.


**60100 Maximum Allowable Department Reimbursement Rates for Cash-Value Vouchers and Cash-Value Benefits.**

(a) The MADR rate for cash-value vouchers (CVVs) shall be the amount printed on each CVV. Vendors shall be reimbursed for CVVs as follows:

(1) The Department shall reimburse vendors for the Actual Selling Price of the fruits and vegetables when the cost of the quantity of fruits and vegetables purchased by the participant is less than the MADR rate for the CVV.

(2) The Department shall reimburse vendors the MADR rate for the CVV when the Actual Selling Price of the quantity of fruits and vegetables purchased by the participant equals or exceeds the MADR rate for the CVV.

(A) If the Actual Selling Price of the quantity of fruits and vegetables chosen by a participant exceeds the MADR rate for the CVV and the participant wishes to purchase the full quantity selected, the vendor shall accept and collect payment from the participant for the amount by which the Actual Selling Price exceeds the MADR rate for the CVV.

(b) The MADR rate for cash-value benefits (CVBs) shall be the amount of the cash benefit issued to a participant less the amount of any prior cash benefit redemptions during the month of issuance. Vendors shall be reimbursed for CVBs as follows:
(1) The Department shall reimburse vendors for the Actual Selling Price of the fruits and vegetables when the cost of the quantity of fruits and vegetables purchased by the participant is less than the MADR rate for the CVB.

(2) The Department shall reimburse vendors the MADR rate for the CVB when the Actual Selling Price of the quantity of fruits and vegetables purchased by the participant equals or exceeds the MADR rate for the CVB.

(A) If the Actual Selling Price of the quantity of fruits and vegetables chosen by a participant exceeds the MADR rate for the CVB and the participant wishes to purchase the full quantity selected, the vendor shall accept and collect payment from the participant for the amount by which the Actual Selling Price exceeds the MADR rate for the CVB.


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60200 Maximum Allowable Department Reimbursement Rates for Food Instruments and Authorized Food Products Other than Fruits and Vegetables.

(a) For all authorized food products other than fruits and vegetables, the Department shall reimburse vendors the lesser of the vendor’s posted price, the Actual Selling Price, or the MADR rate for:

(1) All of the supplemental foods purchased by the participant and included on the food instrument; or

(2) Each authorized food product purchased by the participant and included in the participant’s electronic benefits.

(b) Requests for reimbursement in excess of the MADR rate will be processed as follows:

(1) In the paper food instrument system, if the vendor submits a food instrument for payment in an amount that exceeds the MADR, that food instrument will be rejected and returned to the vendor by the Department or its agent. When a food instrument is rejected, the vendor must reduce the amount requested for reimbursement on the food instrument so that it does not exceed the MADR and resubmit the food instrument.

(2) In the EBT food instrument system, if the Actual Selling Price transmitted by the vendor for an authorized food product exceeds the MADR rate, the vendor shall be paid the MADR rate in effect at the time of the transaction.
(3) If the vendor’s posted price or Actual Selling Price exceeds the MADR rate, the vendor shall not seek or accept payment from a participant for any difference between the vendor’s posted price or Actual Selling Price and the MADR rate.

(c) In the paper food instrument system, the MADR rate for a food instrument shall be assigned based on the MADR rate in effect at the time the food instrument is initially submitted by the vendor to the Department through the Vendor WIC Information eXchange (VWIX) and shall be calculated according to the vendor’s assigned Peer Group Category and Subgroup as follows:

(1) The MADR rate for Peer Group Category A vendors shall be the Statewide Average.

(2) The MADR rate for vendors assigned to Peer Group Category B Register Count Subgroups shall be calculated by adding the applicable tolerance factor to the CARV:

\[
\text{MADR} = \text{CARV} + \text{Tolerance Factor}
\]

(A) Tolerance factors for Peer Group Category B vendors shall be determined based on whether a Food Item Number is a Single Item Food Instrument or a Combination Food Instrument.

1. Single Item Food Instruments contain a single supplemental food in the “What to buy” section on the face of the food instrument.

2. Combination Food Instruments contain two (2) or more different supplemental foods in the “What to buy” section on the face of the food instrument.

(B) Each Peer Group Category B Register Count Subgroup’s MADR rate for Single Item Food Instruments shall be calculated using the Register Count Subgroup’s Tolerance Factor for Single Item Food Instruments as follows:

1. 1-2 Register Count Subgroup: 28% of CARV
2. 3-5 Register Count Subgroup: 22% of CARV
3. 6-9 Register Count Subgroup: 16% of CARV
4. 10+ Register Count Subgroup: 10% of CARV

(C) Each Peer Group Category B Register Count Subgroup’s MADR rate for Combination Food Instruments shall be calculated using the Register Count Subgroup’s Tolerance Factor for Combination Food Instruments as follows:
1. 1-2 Register Count Subgroup: 49% of CARV
2. 3-5 Register Count Subgroup: 43% of CARV
3. 6-9 Register Count Subgroup: 37% of CARV
4. 10+ Register Count Subgroup: 31% of CARV

(3) The MADR rates for Peer Group Category C vendors shall be the CARV.

(d) In the EBT food instrument system, the MADR rate for an authorized food product shall be assigned based on the MADR rate in effect at the time of the transaction and shall be calculated according to the vendor's assigned Peer Group Category and Subgroup as follows:

(1) The MADR rate for Peer Group Category A vendors shall be the Statewide Average.

(2) The MADR rate for vendors assigned to Peer Group Categories B and C shall be calculated by adding the applicable tolerance factor to the CARV.

(A) Tolerance Factors for Peer Group Category B and C vendors shall be determined based on whether a MADR rate is calculated at the UPC level or the APL Subcategory level.

(B) For a UPC level calculation, an authorized food product's MADR rate shall be calculated using the Peer Group Category or Register Count Subgroup's Tolerance Factor for UPCs as follows:

\[ \text{MADR} = (\text{CARV} + \text{Tolerance Factor}) \]

1. Peer Group Category B, 1-2 Register Count Subgroup: 49% of CARV
2. Peer Group Category B, 3-5 Register Count Subgroup: 43% of CARV
3. Peer Group Category B, 6-9 Register Count Subgroup: 37% of CARV
4. Peer Group Category B, 10+ Register Count Subgroup: 31% of CARV
5. Peer Group Category C: 25% of CARV
(C) For an APL Subcategory level calculation, an authorized food product’s MADR rate shall be calculated using the Peer Group Category or Register Count Subgroup’s Tolerance Factor for APL Subcategories as follows:

\[ \text{MADR} = (\text{CARV} + \text{Tolerance Factor}) \times (\text{Number of Benefit Units for the Authorized Food Product}) \]

1. Peer Group Category B, 1-2 Register Count Subgroup: 55% of CARV
2. Peer Group Category B, 3-5 Register Count Subgroup: 49% of CARV
3. Peer Group Category B, 6-9 Register Count Subgroup: 43% of CARV
4. Peer Group Category B, 10+ Register Count Subgroup: 37% of CARV
5. Peer Group Category C: 31% of CARV


60300 Rules for Calculating the Maximum Allowable Department Reimbursement Rate

(a) For the paper food instrument system, the MADR rates shall be calculated every four (4) weeks on Thursday using the prior twelve (12) weeks of data, beginning on a Tuesday and ending on the Tuesday prior to the calculation date. The Department will have ten (10) days to review the calculated rates and make manual adjustments as specified in subsection (d) below. The rates shall go into effect at 12:01 am on the Friday following the end of the Department’s ten (10)-day review period.

(1) For Peer Group Category A, the MADR rate shall be calculated for all Food Item Numbers for which there are at least thirty (30) unique vendors in Peer Group Categories B and C with redemptions for that Food Item Number during the twelve (12)-week redemption period.

(2) For Peer Group Category B, the MADR rate shall be calculated for all Food Item Numbers for which there are at least thirty (30) unique Large Full Line Grocers with redemptions for that Food Item Number during the twelve (12)-week redemption period.

(3) For Peer Group Category C, the MADR rate shall be calculated for all Food Item Numbers for which there are at least thirty (30) unique Large Full Line Grocers with redemptions for that Food Item Number during the twelve (12)-week redemption period.
(b) For the EBT food instrument system, the MADR rates for authorized food products other than fruits and vegetables shall be calculated every seven (7) days on Monday using the prior thirty-one (31) days of data, beginning on a Friday and ending on the Sunday prior to the calculation date. The Department will have three (3) days to review the calculated rates and make manual adjustments as specified in subsection (e) below. The rates shall go into effect at 12:01 am on Thursday following the end of the Department’s three (3)-day review period.

(1) For Peer Group Category A:

(A) When there are at least thirty (30) unique vendors in Peer Group Categories B and C with redemptions for an authorized food product during the immediately preceding thirty-one (31)-day redemption period used for calculations, the MADR rate shall be calculated at the UPC level.

(B) When there are fewer than thirty (30) unique vendors in Peer Group Categories B and C with redemptions for an authorized food product during the immediately preceding thirty-one (31)-day redemption period used for calculations, the MADR rate calculation will default to the APL Subcategory level.

(C) When there are fewer than thirty (30) unique vendors in Peer Group Categories B and C with redemptions for an APL Subcategory during the immediately preceding thirty-one (31)-day redemption period used for calculations, the MADR rate calculation period will be extended to the immediately preceding ninety (90)-day period ending on the Sunday prior to the calculation date, provided there is at least one (1) redemption for that APL Subcategory in the ninety (90)-day period.

(D) When there are zero (0) redemptions from vendors in Peer Group Categories B and C for an APL Subcategory during the immediately preceding ninety (90)-day period ending on the Sunday prior to the calculation date, the previous period’s MADR rate will remain in effect for all UPCs in that APL Subcategory.

(2) For Peer Group Categories B and C:

(A) When there are at least thirty (30) unique Large Full Line Grocers with redemptions for an authorized food product during the immediately preceding thirty-one (31)-day redemption period used for calculations, the MADR rate shall be calculated at the UPC level.

(B) When there are fewer than thirty (30) unique Large Full Line Grocers with redemptions for an authorized food product during the immediately preceding thirty-one (31)-day redemption period used for calculations, the MADR rate calculation will default to the APL Subcategory level.
(C) When there are fewer than thirty (30) unique Large Full Line Grocers with redemptions for an APL Subcategory during the immediately preceding thirty-one (31)-day redemption period used for calculations, the MADR rate calculation period will be extended to the immediately preceding ninety (90)-day period ending on the Sunday prior to the calculation date, provided there is at least one (1) redemption for that APL Subcategory in the ninety (90)-day period.

(D) When there are zero (0) redemptions from Large Full Line Grocers for an APL Subcategory during the immediately preceding ninety (90)-day period ending on the Sunday prior to the calculation date, the previous period’s MADR rate will remain in effect for all UPCs in that APL Subcategory.

(c) The Department will calculate MADR rates for the implementation of the EBT food instrument system (Initial EBT MADR Rates) based on the following four (4)-tiered structure:

(1) Tier One: For infant formula, the Initial EBT MADR Rates will be calculated by Peer Group Category and, if applicable, Register Count Subgroup, using the per-unit MADR rate for paper food instruments in effect on May 6, 2019, for the specific infant formula brand, can size, and type.

(2) Tier Two:

(A) Tier Two Foods include foods in the following APL Categories and APL Subcategories:

1. Breakfast Cereal
2. Cheese
3. Dry Beans, Peas, or Lentils (Mature Seed)
4. Eggs
5. Juice
6. Milk, Low Fat (1% fat)
7. Milk, Nonfat (Fat free or Skim)
8. Milk, Whole
9. Peanut Butter
10. Soft Corn Tortillas
11. 100% Whole Wheat Bread

(B) Except as provided in subsections (c)(2)(B)1. or (c)(2)(B)2., when a shelf price is collected for a Tier Two Food, the MADR rate will be calculated by Benefit Unit using the single highest shelf price as the MADR rate for that food’s APL Category, with no additional tolerance. These MADR rates shall apply to all Peer Group Categories and Register Count Subgroups. Only shelf prices submitted by vendors authorized as of January 1, 2019, in response to the August 2018 Mandatory Vendor Shelf Price Submission required pursuant to section 70600, will be used for calculating Initial EBT MADR rates for Tier Two Foods. These MADR rates shall be the Initial EBT MADR Rates for each Tier Two Food, except:

1. When the Department collects prices for two or more Tier Two Foods in the same APL Category, other than Low Fat and Nonfat Milk, the highest shelf price collected for the APL Category will apply only to those APL Subcategories for which shelf prices are not collected. For those APL Subcategories for which shelf prices are collected, the MADR rate for the APL Subcategory will be calculated by Benefit Unit using the single highest shelf price as the MADR rate for that food’s APL Subcategory, with no additional tolerance.

2. MADR rates for APL Subcategories for foods listed in subsection (c)(4)(A)1.-10. (Tier Four Foods) will be calculated using the methodology described in subsection (c)(4)(B).

(3) Tier Three:

(A) Tier Three Foods include foods in the following APL Categories and APL Subcategories:

1. Infant Cereal
2. Infant Fruits and Vegetables
3. Infant Meats
4. Yogurt, Low Fat
5. Yogurt, Nonfat
6. Yogurt, Whole

(B) For all Tier Three Foods, the Initial EBT MADR Rates will be calculated by Benefit Unit using a substitute CARV and a Tolerance Factor of forty-nine percent (49%). The
substitute CARV for each Tier Three Food will be calculated for all Peer Group Categories and Register Count Subgroups as the highest per-unit MADR rate in effect on May 6, 2019, for the single item paper food instrument(s) that contains the Tier Three food, divided by the number of Benefit Units included on the paper food instrument.

(4) Tier Four:

(A) Tier Four Foods include foods in the following APL Categories and APL Subcategories:

1. Canned Beans
2. Evaporated Milk, Lower Fat (Skim and 1%)
3. Evaporated Milk, Whole
4. Fish
5. Lactose-free Milk, Lower Fat (Skim and 1%)
6. Lactose-free Milk, Whole
7. Milk, Reduced Fat (2%)
8. Powdered Dry Milk, Nonfat
9. Soy-Based Beverage
10. Tofu

(B) For all Tier Four Foods, the Initial EBT MADR Rates will be calculated by Benefit Unit using a substitute CARV and a Tolerance Factor of forty-nine percent (49%). The substitute CARV for each Tier Four Food will be calculated for all Peer Group Categories and Register Count Subgroups as the highest shelf price collected by the Department for that Tier Four Food from a survey of Large Full Line Grocers, divided by the number of Benefit Units for the item. When collecting shelf price data for this purpose, the Department will include data from a minimum of eight (8) rural and eight (8) urban vendors in the Peer Group Category B, 6-9 Register Count Subgroup, and from a minimum of eight (8) rural and eight (8) urban vendors in the Peer Group Category B, 10+ Register Count Subgroup, for a minimum total of thirty-two (32) vendors. For purposes of this subsection, rural and urban shall be defined as set forth in California Code of Regulations, title 22, section 40740, subdivision (h)(2).
(5) The Initial EBT MADR Rates applicable to each food will remain in effect until sufficient redemption data is available to calculate a MADR rate for that food as outlined in subsection (b) above.

(6) After completion of the pilot in Solano and Napa Counties, the EBT MADR rates will be reset to the Initial EBT MADR Rates set forth in subsection (c) for statewide roll out of EBT.

(d) For the paper food instrument system, the Department may manually adjust the MADR rates or the calculation methods, as specified below.

(1) When a Food Item Number does not have at least thirty (30) unique vendors in Peer Group Categories B and C with redemptions for that Food Item Number during the twelve (12)-week redemption period, the Department may manually adjust the MADR rate for Peer Group Category A to comply with federal requirements of cost neutrality by comparing the simple averages of the prices at which the Food Item Number was redeemed by Peer Group Category B and C vendors and those redeemed by vendors in Peer Group Category A.

(2) When a Food Item Number does not have at least thirty (30) unique Large Full Line Grocers with redemptions during the immediately preceding twelve (12)-week period used for calculations, the previous period’s MADR rate for Peer Group Category B and C vendors will remain in effect. The Department may calculate a substitute CARV for Food Item Numbers that do not have thirty (30) unique vendor redemptions of that Food Item Number in any of the preceding six (6) four (4)-week MADR calculation periods.

(A) When the Department calculates a substitute CARV for Food Item Numbers pursuant to subsection (d)(2) above, the Department shall use data from the Large Full Line Grocers collected during the most recent semi-annual collection of shelf prices for determination of cost competitiveness to calculate the substitute CARV for Food Item Numbers. The substitute CARV will be determined by averaging the sum of the average prices of the foods included on the food instrument for all vendors in a peer group based on the most recent semi-annual collection of shelf prices.

(B) Where no submitted shelf price data is available from the semi-annual collection of shelf prices, the Department shall collect shelf price data from Large Full Line Grocers for calculation of a substitute CARV. When the Department collects data for this purpose, it will be from a minimum of eight (8) rural and eight (8) urban vendors in the Peer Group Category B, 6-9 Register Count Subgroup and from a minimum of eight (8) rural and eight (8) urban vendors in the Peer Group Category B, 10+ Register Count Subgroup, for a minimum total of thirty-two (32) vendors. For purposes of this subsection, rural and urban shall be defined as set forth in California Code of Regulations, title 22, section 40740, subdivision (h)(2). Using this data, the substitute CARV will be calculated as a dollar sum of all of the collected shelf prices for a food.
type divided by the total number of shelf prices collected.

(3) The Department may manually adjust the MADR rate to temporarily accommodate extreme fluctuations in wholesale food prices as reported by price and inflation information from other California State agencies and departments or nationally recognized sources of commodity food pricing information.

(e) For the EBT food instrument system, the Department may manually adjust the MADR rates or the calculation methods, as specified below.

(1) For Peer Group Category A, the Department may manually adjust the Statewide Average on a quarterly basis to comply with federal requirements of cost neutrality.

(A) Where there are redemptions for a UPC at Peer Group Category B and C vendors, quarterly cost neutrality will be measured by comparing the simple average of the prices at which that UPC was redeemed by Peer Group Category B and C vendors and those redeemed by vendors in Peer Group Category A. If the simple average for Peer Group Category B and C vendors is exceeded by the simple average for Peer Group Category A vendors, the Statewide Average will be set at the simple average of the prices redeemed by Peer Group Category B and C vendors for the next MADR cycle.

(B) Where there are no redemptions for a UPC at Peer Group Category B and C vendors, quarterly cost neutrality will be measured by comparing the simple average of the prices at which that UPC was redeemed by vendors in Peer Group Category A to the simple average of the prices redeemed by Peer Group Category B and C vendors for all UPCs in the APL Subcategory to which the UPC belongs. If the simple average for Peer Group Category B and C vendors for the APL Subcategory is exceeded by the simple average for Peer Group Category A vendors, the Statewide Average will be set at the simple average of the prices redeemed by Peer Group Category B and C vendors in the APL Subcategory for the next MADR cycle.

(2) For newly authorized APL Subcategories where no transaction data is available, the Department shall collect shelf price data from Large Full Line Grocers for calculation of a substitute CARV and substitute Statewide Average by Benefit Unit. When the Department collects data for this purpose, it will be from a minimum of eight (8) rural and eight (8) urban vendors in the Peer Group Category B, 6-9 Register Count Subgroup and from a minimum of eight (8) rural vendors and eight (8) urban vendors in the Peer Group Category B, 10+ Register Count Subgroup, for a minimum total of thirty-two (32) vendors. For purposes of this subsection, rural and urban shall be defined as set forth in California Code of Regulations, title 22, section 40740, subdivision (h)(2). Using this data, the substitute CARV and substitute Statewide Average will be calculated as a dollar sum of all of the collected shelf prices for the newly authorized APL Subcategory divided by the sum of the Benefit Units for the items collected.
(3) The Department may manually adjust the MADR rate to temporarily accommodate extreme fluctuations in wholesale food prices as reported by price and inflation information from other California State agencies and departments, nationally recognized sources of commodity food pricing information, or the manufacturer of a rebated contract food item.

(f) The Department will remove partially-redeemed food instruments (Partially-Redeemed FIs) when calculating the Statewide Average for non-infant formula Food Item Numbers for which at least seventy-five percent (75%) of the food types and container sizes listed on the food instrument are included in the Market Basket, and for which redemption represents at least one-tenth of a percent (0.1%) of overall food expenditures, less CVV redemptions. Food Item Numbers will be selected for removal on a semi-annual basis thirty (30) days after the Department’s request for vendors to submit shelf prices pursuant to section 70600, subsection (c), using redemption information from the most recently completed quarterly Vendor Cost Neutrality Assessment, as required pursuant to 7 Code of Federal Regulations part 246.12(g)(4)(i)(D).

(1) In order to identify a Partially-Redeemed FI, the Department will determine a minimum full redemption value (MFRV) at the peer group level for each Food Item Number that meets the criteria in subsection (f) above. The MRFV is a threshold dollar amount below which the Department will consider a food instrument to be partially-redeemed. Upon completion and Department verification of the prices submitted as part of the semi-annual shelf price collection, the Department shall sum the lowest reported shelf prices submitted by each vendor. The Department shall then identify the vendor in each Peer Group Category B subgroup and in Peer Group Category C whose lowest reported shelf prices have the lowest sum. Once the Department identifies the vendor within each peer group with the lowest sum, the Department shall use the low shelf prices submitted by those vendors to establish the MFRVs for eligible Food Item Numbers at the peer group level as follows:

(A) If the Food Item Number meets the criteria in subsection (f) above and all food types and container sizes that comprise the Food Item Number are included in the Market Basket, the Department will determine the MFRV for the Food Item Number by summing the lowest shelf prices submitted by a vendor identified through the process in subsection (f)(1) for each of the food types included on the Food Item Number. Any redemption amount below the MFRV shall be deemed a Partially-Redeemed FI for purposes of calculating the Statewide Average.

For example, Food Item Number 6003 includes three (3) food types (one (1) gallon milk, lower fat, sixteen (16) ounces of whole grains, and thirty-six (36) ounces of breakfast cereal), all of which are included in the Market Basket. If the lowest reported shelf prices for the identified vendor’s items are as follows, the MFRV for this Food Item Number would be:
1 gallon milk, lower fat $2.50  
1 (16 oz.) whole grains $2.00  
36 oz. breakfast cereal $4.00  

Total Minimum Full Redemption Value $8.50

In this example, any redemption below eight dollars and fifty cents ($8.50) would be considered a Partially-Redeemed FI.

(B) If the Food Item Number meets the criteria in subsection (f) above, but less than one hundred percent (100%) of the food types and container sizes that comprise the Food Item Number are included in the Market Basket, the Department will determine the MFRV by summing the lowest shelf prices submitted by a vendor identified through the process in subsection (f)(1) above for each of the food types included in the Food Item Number. For purposes of this calculation, all non-Market Basket items will be treated as having a shelf price of zero. Any redemption amount below the MFRV shall be deemed a Partially-Redeemed FI for purposes of calculating the Statewide Average.

For example, Food Item Number 6013 includes four (4) Market Basket items (one (1) gallon milk, lower fat, one (1) dozen eggs, sixteen (16) ounces cheese, and sixteen (16) ounces dry beans), as well as one (1) quart of milk, which is not included in the Market Basket. If the lowest reported shelf prices for the identified vendor’s items are as follows, the MFRV for this Food Item Number would be:

1 gallon milk, lower fat $2.50
1 dozen eggs $1.50
1 (16 oz.) cheese $2.50
1 (16 oz.) dry beans, peas, or lentils $0.50

Subtotal $7.00
1 quart milk, lower fat (no shelf price collected) $0.00
Total Minimum Full Redemption Value $7.00

In this example, any redemption below seven dollars ($7.00) would be considered a Partially-Redeemed FI.

ARTICLE 4. VENDOR AUTHORIZATION CRITERIA
Article 4. Vendor Authorization Criteria

70000 Vendor Authorization Criteria.

(a) When authorizing a vendor the Department shall assign a peer group to new vendor applicants for purposes of authorization. For determining ongoing compliance with authorization criteria the Department shall apply the criteria based on the vendor’s currently assigned peer group. For purposes of this article, the Department is defined as, the California Department of Public Health and the California WIC Program. “WIC” is defined as the California Special Supplemental Nutrition Program for Women, Infants, and Children.

(b) In order to be authorized for participation in the program all vendors must enter into a vendor agreement with the Department.

(c) The Department shall apply the vendor authorization criteria in this article to all vendors throughout the authorization period and to vendor applicants. Vendor applicants will be denied authorization for failure to meet the vendor authorization criteria. If a vendor fails to meet the authorization criteria at any time during the authorization period, the Department shall terminate the vendor’s participation in WIC.


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70100 Business Integrity.

(a) The Department shall consider the business integrity of vendors and vendor applicants for participation in the WIC program.

(b) Unless denial of authorization of a vendor or vendor applicant would result in inadequate participant access as defined in California Code of Regulations, title 22, section 40740, subdivision (h), the Department shall not authorize or continue authorization of a vendor if during the last six (6) years the vendor or vendor applicant’s current owners, officers, directors, or managers have been convicted of or had a civil judgment entered against them for any activity indicating a lack of business integrity. These activities include:

1. Activities set forth in 7 Code of Federal Regulations part 246.12(g)(3)(ii);

2. Computer crimes, also known as cybercrimes, including online banking fraud, credit card fraud, identify theft, phishing and other computer or internet crimes set forth in Penal Code sections 484(e-j), 502, 530.5 and Business and Professions Code section 22948;
(3) Misprision of a felony when the felony concealed is one of the crimes set forth in 7 Code of Federal Regulations part 246.12(g)(3)(ii); and

(4) Violations of Business and Professions Code section 17533.6.

(c) Corporations, limited liability companies, and limited partnerships shall at all times maintain active status with the California Secretary of State’s office while participating in the WIC program.

(d) The Department shall deny authorization to a vendor applicant if the vendor applicant ownership owns, previously owned, or has a legal interest in one or more store locations that are currently serving a sanction, and the amount of stores actively serving a sanction on the contract exceeds five percent (5%) of the total number of stores under the contract. This provision shall not apply to vendors at reauthorization.


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70200 California Retail Food Facility Code (Health and Safety Code Section 113700 et. seq.).

All vendors and vendor applicants must maintain a valid permit on the premises to operate a retail food facility, as required by the California Retail Food Facility Code (Health and Safety Code Section 114381) and, upon request, provide proof of the permit to the Department for the authorization period. All authorized vendors must notify the Department of the suspension or revocation of their permit within ten (10) business days. Failure to notify the Department of the suspension or revocation of a vendor’s permit within ten (10) business days will result in the termination of the vendor’s agreement. Closure of a vendor store based on permit suspension or revocation will result in the termination of a vendor’s agreement.


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70300 Cash Register.

(a) Each vendor and vendor applicant must maintain and use a cash register system in conducting all business sales transactions.

(b) The cash register system must calculate, record, and print a daily totals summary of all sales transactions conducted during each business day showing the transfer of goods for money or monetary equivalents.
(c) The cash register system must automatically print an itemized receipt of each transaction. The receipt must be given to the customer at each transaction.

(d) The daily totals summary of all sales transactions from the cash register system must have the vendor’s name and address, the transaction date, the quantity purchased, the sale price of the item purchased, the amount of tax charged, and the indication of tax status. Cash register receipt detail and daily totals summaries are part of the standard business records vendors are required to maintain for a minimum of three (3) years and are subject to both verification and Program audit. The daily totals summary of all sales transactions can be retained in paper or electronic formats.


70400 Certify that Information Provided on the Vendor Application is True and Correct.

All vendors and vendor applicants must certify that the information provided during the application and authorization process is true and correct. If the Department determines that the vendor or applicant provided false information in connection with its application for authorization and the false information was material to the Department’s decision to authorize the vendor, the vendor’s agreement shall be terminated, or the vendor applicant denied authorization. Information is material if it could change the Department’s decision regarding authorization.


70500 Circumvention of WIC Sanction.

(a) The Department shall deny authorization or reauthorization if it determines that a vendor is attempting to circumvent a WIC sanction or vendor claim.

(b) The Department will deny authorization to a vendor applicant for any of the following actions indicating an attempt to circumvent a WIC sanction or vendor claim:

1. The vendor applicant purchased or obtained any legal interest in the store from a relative by blood or marriage and the store or business has a WIC sanction currently in effect, or a vendor claim that is still outstanding at that store location.

2. The vendor applicant purchased or obtained any legal interest in the store or business for less than fair market value and there is a WIC sanction currently in effect or a vendor claim is still outstanding at that location.
(3) The vendor applicant owns, previously owned, or has a legal interest in a store or business that has a WIC sanction currently in effect within the same geographic area as the one for which the vendor has submitted an application, if the vendor applicant was the owner at the time the sanction was noticed or made effective by the Department.

(A) For the purposes of this subsection, “the same geographic area” is defined in California Code of Regulations, title 22, section 40740, subdivisions (h)(2)(A-B).

(4) The vendor applicant owns, previously owned, or has a legal interest in a store or business, including the applicant location that has an outstanding vendor claim, and the vendor applicant was the owner at the time the vendor claim was noticed or made effective by the Department. Failure to make payments as agreed via stipulation will be considered an outstanding vendor claim.

(5) The vendor applicant purchased or obtained any legal interest in the store or business pursuant to (1) or (2) above and allows the previous owner to retain a role in the operation of the business such as a manager, director, officer or shareholder.

(6) The vendor applicant retained legal interest in the store after a change of business type and there is a WIC sanction currently in effect or a vendor claim that is still outstanding at that location. Business type includes corporation, general partnership, limited partnership, sole proprietorship, and limited liability company.

(c) The Department may, in its sole discretion, request the following additional information from the vendor applicant:

(1) Information, which may include, but is not limited to the following, to determine a vendor applicant’s ability to meet authorization criteria:

(A) Tax identification number;

(B) Articles of incorporation for corporations or limited liability corporations (LLCs), including the list of designated officers and shareholders;

(C) For partnerships and sole proprietorships, copies of any available business documents previously filed with a municipality, city, county or state, such as a fictitious business name statement or partnership agreement;

(D) All available business licenses and/or permits (local health department, liquor, sales tax, etc.);

(E) A notarized affidavit from the new owner(s) stating that they are not connected with the previously disqualified owner(s) through blood or by marriage;

(F) A letter from the retailer’s financial institution identifying the authorized signers for
the business on any accounts relating to the business;

(G) Store lease or property deed;

(2) Information, which may include, but is not limited to the following, to verify the ownership of the store and the value of the store:

(A) A bill of sale;

(B) Lease agreement;

(C) Escrow documents;

(D) An appraisal;

(E) Bank statements; and

(F) Other information verifying the change in ownership of the store.

(3) The vendor applicant shall not be required to provide information if the vendor can demonstrate to the Department that the release of that information is prohibited by federal or California state laws or regulations regarding confidentiality.


70600 Competitive Price Criteria.

(a) Prices charged by the vendor or vendor applicant for a combination of all Market Basket items carried must not, at any time, exceed one hundred and twenty percent (120%) of the Average Overall Market Basket price established by the Department for the vendor or vendor applicant’s peer group.

(b) The foods in the Market Basket may only include foods in the WIC Authorized Food List. The Market Basket shall consist of the following types of authorized foods:

(1) Twelve (12) ounce and eighteen (18) ounce Breakfast Cereal

(2) Sixteen (16) ounce Cheese

(3) One (1) pound Bag of Dry Beans, Peas, or Lentils

(4) One (1) Dozen Large Eggs (chicken only)
(5) Sixty-four (64) ounce Shelf-Stable Bottled Juice

(6) One (1) Gallon Milk (whole and lower fat)

(7) Primary contract brand milk-based infant formula in powdered form currently under contract with the Department, as defined in section 82600

(8) Sixteen (16) ounce to eighteen (18) ounce Peanut Butter

(9) Sixteen (16) ounce Whole Wheat Bread Loaf

(c) Vendors shall submit the shelf price of their highest priced and lowest priced authorized food for each of the nine (9) food types in the Market Basket offered for sale during a fourteen (14) day period specified by the Department. For example, if the Market Basket food type is cheese, the vendor shall submit the shelf price of their highest priced cheese and the shelf price of their lowest priced cheese. Vendors shall provide the shelf prices of their Market Basket foods every six (6) months upon request of the Department. The Department will provide a thirty (30) day notice of the request for prices and vendors must respond with their shelf prices within thirty (30) days of the date of the notice. Vendor applicants must submit prices for a fourteen (14) day period specified by the Department as part of the vendor application process. Only regular prices may be submitted; sale or promotional prices may not be included in the price collection. If a Market Basket item had a sale or promotional price during the fourteen (14) day period, the vendor shall determine the highest and lowest prices based on the item’s price prior to the sale or promotion. Vendors that stock only one (1) type of a Market Basket item, or offer same priced alternatives of that type, shall submit a single price for that item as the highest and the lowest prices.

(d) The Average Overall Market Basket price will be determined by averaging the Vendor Market Basket price of all vendors in a peer group based on the current semi-annual submissions. Vendors and vendor applicants with a Vendor Market Basket price that exceeds one hundred and twenty percent (120%) of the Average Overall Market Basket price in their peer groups shall be determined non-competitive because they do not meet the competitive price criteria.

(1) For purposes of determining whether a vendor is non-competitive and does not meet the competitive price criteria, the Vendor Market Basket price shall be defined as either:

(A) A single vendor or vendor applicant’s average price of all Market Basket items submitted by the vendor or vendor applicant for the applicable period. The Department shall determine the average of the highest and lowest prices of the individual Market Basket items and add the averaged prices together to determine the Vendor Market Basket price; or

(B) The sum of the regular shelf prices of the Market Basket items observed by the Department during a monitoring or compliance visit.
(e) Vendors or vendor applicants that do not meet the competitive price criteria will be issued a written notice of their failure to meet current vendor authorization criteria and of the need to correct their prices to meet the competitive price criteria. Vendors will be given thirty (30) days to correct their prices to meet the competitive price criteria. Vendor applicants will be given ten (10) days to correct their prices to meet the competitive price criteria.

(1) If, after thirty (30) days and within a twenty four (24) month period from the date of the notice, the Department makes a subsequent determination that a vendor’s prices do not comply with the competitive price criteria, the vendor shall have demonstrated a pattern of failure to meet competitive price criteria and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.

(2) If, after ten (10) days from the date of the notice, a vendor applicant’s prices do not meet the competitive price criteria, the vendor applicant will be denied authorization for failure to meet the vendor authorization criteria for competitive price. The applicant will be permitted to submit another application after no less than six (6) months from the date the Department denied authorization.

(f) A vendor who fails to submit its semi-annual price information will be issued a written notice of the vendor’s failure to comply with vendor selection criteria. If, after thirty (30) days from the date of the written notice, the vendor has failed to submit its semi-annual price information, the Department will terminate the vendor from participation in the program.


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70700 Compliance with Title VI of the Civil Rights Act.

The Department shall not authorize a vendor applicant or continue authorization of a vendor that is subject to a ruling by a federal or state enforcement agency that the vendor applicant or vendor, on the grounds of race, color, national origin, age, sex or handicap, excluded from participation in, denied benefits to, or otherwise subjected to discrimination any Program participant in the process of obtaining Program benefits from that vendor.


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70750 Food Item Quality.

(a) All WIC authorized foods offered for sale by vendors and vendor applicants on store shelves in the public area of a vendor’s store where merchandise is available for purchase shall be quality food items.
(b) Quality food items are defined as:

(1) Food items, including fresh fruits or fresh vegetables, that are free from evidence of spoilage such as rotting, slime, mold, insects, or pests.

(2) Food items with “Use By” or “Use or Freeze By” dates affixed to, or printed on, the food item’s packaging that are sold or offered for sale on or before the “Use By” or “Use By or Freeze By” date.

(3) Infant formula offered for sale before the date affixed to, or printed on, the infant formula packaging as mandated by 21 Code of Federal Regulations parts 106.60(c)(2)(i) and 107.20(c).

(c) A vendor or vendor applicant fails to meet the food item quality authorization criteria when, on any pre-authorization, monitoring, or compliance visit, two (2) or more different WIC authorized food items offered for sale are not quality food items. For purposes of this section, different brands, sizes, flavors, or varieties of WIC authorized foods are considered different food items. For example, a Gala apple is a different food item from a Fuji apple and a half gallon Brand A nonfat milk is a different food item from a gallon Brand A nonfat milk.

(d) Any vendor failing to meet the food item quality authorization criteria shall be issued a written notice of the vendor’s failure to meet authorization criteria. If, after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice, the vendor subsequently fails to meet the food item quality authorization criteria, the vendor shall have demonstrated a pattern of failure to meet food item quality authorization criteria and shall be disqualified from participating in the program for a period of one (1) year for failure to meet authorization criteria.

(e) A vendor applicant who fails to meet the requirements of this section shall be denied authorization.

Promulgated on 12/10/2018 in Regulatory Bulletin 2018-03.

70800 Incentive Item Requirements.

(a) The Department shall not authorize, or continue authorization of, an above-50-percent vendor, or make payments to an above-50-percent vendor, which provides or indicates an intention to provide prohibited incentive items to customers.

(1) Above-50-percent vendors are those vendors that the Department has determined derive more than fifty percent (50%) of their annual food sales revenue from WIC food instruments, or vendor applicants expected to meet this criterion. The Department shall determine which vendors are above-50-percent vendors using the assessment process in section 50100.
(2) Evidence of intent to provide prohibited incentive items to customers includes, but is not limited to, the following:

   (A) Advertisement of the availability of the prohibited incentive items;

   (B) Promotion through signage or labeling of prohibited incentive items on store shelves or on the store premises;

   (C) Verbal or written accounts of prohibited incentives items being offered; or

   (D) Offers of prohibited incentive items during compliance monitoring, as witnessed by Department staff.

(3) Prohibited incentive items for above-50-percent vendors include:

   (A) Services which result in a conflict of interest or the appearance of such conflict for the above-50-percent vendor, such as assistance with applying for WIC benefits;

   (B) Lottery tickets provided to customers at no charge or below face value;

   (C) Cash gifts in any amount for any reason;

   (D) Anything made available in a public area as a complimentary gift which may be consumed or taken without charge, unless the incentive item is an allowable incentive item for above-50-percent vendors, as defined in subsection (a)(4);

   (E) An allowable incentive item provided more than once per customer per shopping visit, regardless of the number of customers or food instruments involved, unless the incentive items had been obtained by the vendor at no cost or the total documented cost to the vendor for the multiple incentive items provided during one shopping visit is less than two dollars ($2);

   (F) Food, merchandise, or services of greater than nominal value provided to the customer, i.e., having a documented cost to the vendor of more than two dollars ($2);

   (G) Food or merchandise sold to customers below cost, or services purchased by customers below fair market value;

   (H) Any kind of incentive item which incurs a liability for the WIC Program; or

   (I) Any kind of incentive item which violates any Federal, State, or local law or regulations.

(4) Allowable incentive items for above-50-percent vendors include:

   (A) One or any combination of the following WIC authorized foods; as long as the
combined total cost to the vendor is less than two dollars ($2) and the food item(s) meet the requirements for quality food item(s) as defined in section 70750:

1. WIC authorized fresh fruit and vegetables.

2. Fourteen (14) ounce to sixteen (16) ounce cans of any brand or variety of mature beans, mature peas, or lentils.

3. Any variety of prepackaged uncooked, plain, dried, mature beans, peas, or lentils.

4. Commercially made, prepackaged, one hundred percent (100%) corn tortillas.

5. Commercially made, prepackaged, one hundred percent (100%) whole wheat bread. Package must state “100% Whole Wheat” on the front label.


7. WIC authorized supplemental foods offered as part of a taste testing sample to a participant family.

(B) Minor customer courtesies of the retail food trade, such as bagging supplemental foods for the participant and assisting the participant with loading the supplemental foods into his or her vehicle. Minor customer courtesies do not include delivery of the supplemental foods to another location.

(b) The Department shall not authorize, or continue authorization of, a vendor that is not an above-50-percent vendor which provides incentive items solely to WIC participant customers. Incentive items provided by vendors that are not above-50-percent vendors must be offered to all customers.

(1) Incentive items for vendors that are not above-50-percent vendors are defined as:

(A) Free or reduced price food or other items;

(B) Cash or cash gift cards;

(C) Lottery tickets;

(D) Buy one, get one free;

(E) Buy one, get one at a reduced price;

(F) Free amounts added to an item by manufacturer coupons, store loyalty cards, and sales specials for supplemental foods; or

(G) Free or reduced price services and minor customer courtesies of the retail food trade, such as bagging supplemental foods for the participant and assisting the
participant with loading the supplemental foods into his or her vehicle.

(c) Vendors found to be out of compliance with this section on the first incidence will be issued a written notice of the vendor’s failure to comply with incentive item requirements. If, after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice, the vendor in a subsequent incident fails to comply with incentive item requirements, the vendor shall have demonstrated a pattern of failure to comply with incentive item requirements and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.


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70900 Infant Formula.

Authorized vendors and vendor applicants must purchase all authorized infant formula only from the following suppliers:

(a) A manufacturer of infant formula registered with the Food and Drug Administration;

(b) A wholesaler, distributor, or retailer within California that has a current, valid seller’s permit number that the vendor has verified through the California Board of Equalization; and

(c) A wholesaler, distributor, or retailer outside of California that is a licensed supplier of infant formula in that state and is included on that state WIC agency’s list of authorized suppliers of infant formula.

(d) Vendors found to be out of compliance with this section on the first incidence will be issued a written notice of the vendor’s failure to comply with infant formula purchasing requirements. If after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice the vendor in a subsequent incident fails to comply with infant formula purchasing requirements, the vendor shall have demonstrated a pattern of failure to comply with infant formula purchasing requirements and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.


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71000 Inventory Records.

(a) Each vendor, defined in Section 40635, must maintain adequate inventory purchase records, including adequate transfer records if inventory is moved between stores.
(b) If a vendor owns more than one vendor store, including multiple stores under a Master Vendor Agreement, separate inventory purchase records including transfer records, must be maintained for each store location. Inventory purchase records, including transfer records for each individual store under one ownership will be reviewed separately and will not be combined for purposes of audit to determine if a vendor is claiming reimbursement for the sale of a volume of supplemental food which exceeds the vendor inventory purchase documentation for a specific period of time as identified in the audit.

(c) All vendors must maintain inventory purchase records and transfer records for a period of three (3) years and provide agents of the State, the Department, and the Comptroller General of the United States access to these records. Records can be retained in paper or electronic formats.

(d) Inventory purchase records include all of the following:

1. Records showing all WIC authorized supplemental food purchases, wholesale and retail, in the form of invoices. Each invoice or receipt shall:
   - Be prepared entirely by the wholesaler, distributor, or retailer from whom the WIC vendor made the purchase;
   - Indicate the date of purchase, the name of the seller, and the name of the WIC vendor who made the purchase;
   - Be specific when identifying WIC food items- for example; “milk” is not an adequate identification. It must be specified as to the type of milk, such as “fluid”, “dry”, or “evaporated” and whether it is “whole”, “lowfat”, or “nonfat”, etc. Similarly, “fruit juice” is not an adequate identifier. The type of juice, e.g., “orange” or “apple” must be indicated, and the brand must also be identified;
   - Identify the quantity and container size of each WIC food item purchased from the wholesaler, (number of containers, cans, boxes, etc., and number of ounces, pounds, etc., per container); and
   - Indicate the unit price for each WIC food item purchased.

2. Sales and use tax return, if required by federal and state law

3. Books of account

4. Other records that can be used to verify WIC authorized supplemental food item purchases or proper peer group assignment including, but not limited to, check registers and bank statements.

5. Transfer records. Transfer records must:
(A) Be created at the time the food products are shipped from the location of original
delivery to the following vendor store location;

(B) Indicate the date of the transfer;

(C) Indicate the address and store name where the food item is being shipped from;

(D) Indicate the address and store name where the food item is being shipped to;

(E) Be specific when identifying WIC food items – for example; “milk” is not an
adequate identification. It must be specified as to the type of milk, such as “fluid”, “dry”,
or “evaporated” and whether it is “whole”, “lowfat”, or “nonfat”, etc. Similarly, “fruit juice”
is not an adequate identifier. The type of juice, e.g., “orange” or “apple” must be
indicated, and the brand must also be identified; and

(F) Identify the quantity and container size of each WIC food item transferred from the
source location (number of containers, cans, boxes, etc., and number of ounces,
pounds, etc., per container).

(e) If a vendor fails to maintain the required inventory and transfer records, including
separate inventory and transfer records for each vendor location owned, the Department
shall terminate the vendor’s agreement.

*Promulgated on 10/17/2013 in Regulatory Bulletin 2013-01.*

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71100 Minimum Stocking Requirements.

(a) For participation in the Program, all vendor and vendor applicant locations must, at all
times, maintain on the premises of the vendor applicant or authorized location the amounts
listed in subsections (b)(1)-(15) below of WIC authorized supplemental foods. WIC
authorized supplemental foods stocked by vendors and vendor applicants must be quality
food items, as defined in section 70750, to be counted towards the minimum stocking
requirements in (b)(1)-(15).

(b) Inventory must be stocked on store shelves in the public area of a vendor’s store
where merchandise is available for purchase unless quantities of stock allowed in
storage on the premises of that store location are specified in subsections (b)(10) and
(12). For purposes of this regulation, inventory shall not include inventory on order that
has not been delivered. Each vendor and applicant vendor must stock, at a minimum, the
following:

(1) Bottled Juice and Concentrate.
(A) Eight (8) sixty-four (64) ounce bottles of authorized shelf stable juice; or

(B) Ten (10) eleven and a half (11.5) or twelve (12) ounce containers of authorized frozen juice concentrate.

(2) Breakfast Cereal. At least one hundred forty-four (144) total ounces of any four (4) different types or brands of authorized cereal. Of the total ounces, one (1) type must be a twelve (12) ounce size box and one (1) type must be an eighteen (18) ounce size box. Two (2) of the types or brands must be listed as cereals which contain fifty-one percent (51%) or more whole grain by weight in section 82100.

(3) Canned Fish.

(A) Twelve (12) five (5) ounce cans of authorized types of tuna; or

(B) Four (4) fifteen (15) ounce cans of authorized types of sardines; or

(C) Twelve (12) five (5) ounce cans, ten (10) six (6) ounce cans, or four (4) fourteen and three-quarters (14.75) ounce cans of authorized types of salmon; or

(D) Four (4) fifteen (15) ounce cans of authorized types of mackerel.

(4) Cheese. At least four (4) one (1) pound packages of any combination of authorized types of cheese.

(5) Dry Beans, Peas, or Lentils. At least six (6) pounds of any combination of authorized dry beans, peas, or lentils, in either one (1) pound packages or six (6) pounds in bulk.

(6) Eggs. At least four (4) one (1) dozen containers of authorized types of eggs.

(7) Fresh Bananas. Eight (8) authorized fresh yellow bananas.

(8) Fruits and Vegetables.

(A) Thirty-eight dollars ($38) worth of a combination of:

1. Five (5) varieties of authorized fresh fruits; and

2. Five (5) varieties of authorized fresh vegetables.

(B) Any combination of at least thirty-eight dollars ($38) worth of three (3) varieties of authorized canned or frozen fruits.

(C) Any combination of at least thirty-eight dollars ($38) worth of three (3) varieties of authorized canned or frozen vegetables.
(D) Dollar amounts for fruits and vegetables in subsections (b)(8)(A)-(C) will be calculated based on the vendor shelf price.

(E) For the purposes of subsections (b)(8)(A)-(C), “variety” means distinctly different types of fruits or vegetables. For example, a variety of frozen fruits may include authorized frozen strawberries, blueberries, and raspberries. However, a variety does not include different packaging or cuts of the same type of fruit. For example, a variety of canned fruit does not include authorized canned pineapple chunks, pineapple slices, and crushed pineapple. A variety of frozen and canned fruits may include frozen blueberries and canned peaches, but does not include frozen peaches and canned peaches.

(9) Infant Cereal. Two (2) sixteen (16) ounce containers and two (2) eight (8) ounce containers of any authorized brand and type of infant cereal.

(10) Infant Formula. The authorized primary contract brand milk-based infant formula in powdered form currently under contract with the Department, as defined in section 82600, in the following quantity:

(A) Twenty (20) authorized size containers of the authorized primary contract brand milk-based infant formula in powdered form currently under contract with the Department. Of the twenty (20) containers, at least ten (10) must be on the shelf with the remainder kept in storage on the premises. For example, if the vendor stocks ten (10) containers on the shelf, no less than ten (10) containers must be in storage on the premises.

(11) Infant Fruits and Vegetables.

(A) Fifty-six (56) four (4) ounce containers; or

(B) Sixty-four (64) three and a half (3.5) ounce containers.

(12) Milk.

(A) Six (6) one (1) gallon containers of authorized fluid whole milk; and

(B) Fourteen (14) one gallon containers of any combination of two percent (2%), one percent (1%), or nonfat authorized fluid milk. Of the fourteen (14) one (1) gallon containers, at least ten (10) must be on the shelf with the remainder kept in storage on the premises. For example, if the vendor stocks ten (10) one (1) gallon containers on the shelf, no less than four (4) one (1) gallon containers must be in storage on the premises; and;

(C) Two (2) half-gallon containers of any combination of two percent (2%), one percent (1%), or nonfat authorized fluid milk.
(13) Peanut Butter. At least four (4) sixteen (16) to eighteen (18) ounce containers of authorized types of peanut butter.

(14) Whole Grain. At least six (6) pounds of authorized whole grains, which must include:

(A) At least two (2) one (1) pound packages of one hundred percent (100%) whole wheat bread loaves; and any combination of four (4) pounds of:

1. At least two (2) one (1) pound packages of white or yellow soft corn tortillas; or

2. At least two (2) one (1) pound packages or two (2) pounds of bulk oatmeal or oats; or

3. At least two (2) one (1) pound packages or two (2) pounds of bulk brown rice; or

4. At least two (2) sixteen (16) ounce packages of whole wheat pasta.

(c) A vendor who fails to meet the stocking requirements in this section at any time shall be issued a written notice of the vendor’s failure to meet authorization criteria. If, after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice, the vendor subsequently fails to meet the stocking requirements of this section, the vendor shall have demonstrated a pattern of failure to meet minimum stocking requirements and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.


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71200 Minimum Technology Requirements.

All vendors and vendor applicants must have access to a computer or other electronic device that has the ability to:

(a) Access the internet, and

(b) Receive and send emails, and

(c) Use web-based applications, and

(d) Apply an electronic signature to official documents.

71300 No Conflict of Interest Between the Vendor and the Department or any WIC Local Agency.

The Department shall not authorize a vendor applicant or continue authorization of a vendor if the Department makes a determination that a conflict of interest exists between a vendor and the Department or between a vendor and a local agency. For purposes of this article, local agency is defined to include all employees of local agencies pursuant to Title 22, California Code of Regulations, Section 40641. A conflict of interest exists when:

(a) The vendor could profit by having a relative or an agent who is on the staff of a local agency or the Department who could refer participants to the vendor’s store; or

(b) The vendor could profit by having a relative or an agent who is on the staff of the Department who could make Departmental decisions or influence Department policies and procedures related to program vendors.


71400 Restrictions and Allowed Uses of the WIC Acronym and WIC Logo.

(a) For the purpose of this section and all contracts, instructions, forms and other documents related hereto, the following terms are defined:

(1) General Definitions

   (A) Point of Display. Point of Display items are used to identify WIC authorized supplemental foods and where the food items are located or shelved. Point of Display items include shelf-talkers and signs.

(2) Printing and Image Definitions

   (A) CMYK. CMYK, also known as process color, four- or full color, refers to the four process colors (cyan, magenta, yellow and black) used to create all colors in standard color printing. This process is one of two allowed printing processes for reproduction of the California WIC logo. The CMYK process can create thousands of clear, vibrant colors; therefore this option is permitted and is the preferred image file for vendors to reproduce the California WIC logo.

   (B) EPS Format. EPS, Encapsulated PostScript, is a method for creating logos and other line-art illustrations using mathematical vectors to define the lines and curves that make up the logo or other artwork. These vectors retain proportion within the
artwork regardless of how it is resized without loss of detail or distortion. This format is the only allowable option permitted for all reproduction of the California WIC logo.

(C) Spot Color. Spot Color refers to an image file which uses individual Pantone colors instead of CMYK process to reproduce the California WIC logo. It takes four separate Pantone colors to print the logo and the results will not be as rich in color as the CMYK process defined above. This format is one of two allowed options permitted for all reproduction of the California WIC logo. The black and white EPS image file is a variant of the spot color logo that uses a single color (black) to create the California WIC logo.

(D) Vector. Graphic images created by a computer program and stored in file format as a series of numbers which define shape, position and color of EPS images. Vectors are object-oriented and work as a whole unit together. The mathematic property of the vectors allows increase and decrease in image size without distortion.

(E) White Space Required for Newspaper Ad or Insert. Visual area surrounding logo which must be free of typeset, color, or other imagery to prevent detracting from the appearance of the logo. White space is literally space around the logo which is white.

(b) The federal WIC logo and the WIC acronym are registered service marks of the United States Department of Agriculture (USDA). The federal WIC logo and the California WIC logo are the property of the Federal and State Governments. Vendors shall use of the WIC acronym and logo only as permitted in this Section 71400:

(1) Vendors and vendor applicants shall not use the federal WIC logo or acronym or the State WIC logo or acronym or close facsimiles thereof, in total or in part in any manner only without prior written consent of the Department, except when printing signs and shelf talkers pursuant to the requirements in subsection (d)(3).

(2) The Department shall deny authorization or shall not continue authorization of a vendor or applicant whose name or logo includes the WIC acronym, the federal WIC logo, the California WIC logo, or close facsimiles thereof, in total or in part, either in the official name in which the vendor is registered or in the name under which it does business, if different. This includes, but is not limited to, using the letters “W”, “I”, and “C” in that order next to one another in the vendor or vendor applicant’s name, or these letters in that order but not next to one another, with the letters made to stand out in some fashion, such as with a different color or size than other letters.

(3) Vendors and vendor applicants must not attach or affix in any manner the WIC acronym, the federal WIC logo, or the California WIC logo on any authorized food or incentive item.

(4) Vendors and vendor applicants may use the California WIC logo only on materials produced or approved by the Department including shelf talkers, posters, signs, decals or
stickers.

(5) Vendors may reproduce the California WIC logo in dated, general circulation newspaper ads or inserts that advertise the vendor’s store, as specified in subsection (d) below.

(c) Upon prior written approval by the Department vendors are permitted to print the California WIC logo pursuant to the printing and formatting requirements specified in this Section 71400. When using the California WIC logo, the vendor shall use only the California WIC logo files that are available for download on the Vendor WIC Information eXchange website (“VWIX”) at: https://vwix.ca.gov. These are the only image file options available to WIC authorized vendors for printing the California WIC logo image; no other image file formats are allowed.

(1) Vendors shall print the California WIC logo image using the CMYK process or spot color image file options, as defined in subsection (a) above and in color as specified in subsections (c)(1)(B)-(C) below:

(A) The California WIC logo and tagline may appear in a single color, but only in black on white.

(B) The CMYK combination, a permitted and preferred option, which produces a full-color image of the California WIC logo shall be as follows:

1. Purple: fifty (50) percent cyan, ninety (90) percent magenta, and zero (0) percent black.

2. Red: zero (0) percent cyan, ninety-one (91) percent magenta, eighty-seven (87) percent yellow, and zero (0) percent black.

3. Lime: forty-three (43) percent cyan, zero (0) percent magenta, seventy-nine (79) percent yellow, and zero (0) percent black.

4. Green: seventy-five (75) percent cyan, zero (0) percent magenta, one-hundred (100) percent yellow, and zero (0) percent black.

(C) Pantone colors, a permitted option of the CMYK combination, is used to produce a full-color image of the California WIC logo shall be as follows:

1. Purple: pantone 258

2. Red: pantone 179

3. Lime: pantone 368

4. Green: pantone 361
(2) When printing the California WIC logo, vendors must ensure the California WIC logo remains intact each time it is printed. The California WIC logo includes the WIC acronym and tagline “Families grow healthy with WIC”. The vendor shall not use the tagline as a separate graphic element. Shelf talkers are the only exception and may be printed without the tagline.

(3) When printing the California WIC logo, vendors must not distort the California WIC logo. When enlarging or scaling it down, vendors shall keep the logo proportionate in size. Change to the size must be the same percentage increase in both height and width. For example, if the height of the logo image is increased 25 percent the width must also be increased 25 percent.

(4) When printing the California WIC logo, vendors must print only the California WIC logo and not add any additional graphics or text around the logo. Exception: upon approval by the Department additional graphics or text may be allowed when printing the California WIC logo in general circulation newspaper ads or inserts that advertise the vendor’s store when used as specified in subsection (b)(5).

(5) When printing the California WIC logo, vendors must maintain integrity of the California WIC logo when printing in newspaper ads or inserts by using the “white space” around the logo as downloaded from VWIX. White space means visual area free of typeset or other imagery to prevent detracting from the appearance of the logo.

(6) Vendors shall not wrap text around the white space surrounding the California WIC logo. Vendors shall always leave enough white space around the logo to prevent “crowding” by other elements.

(7) Vendors shall print the California WIC logo in a white box when the logo is placed on a background color or photograph. Vendors shall not print the logo on a solid background color, screen or tint of a color, or a photographic or illustrative background if the background shows through the logo.

(8) Vendors shall not enclose the California WIC logo in other framing shapes including, but not limited to circles or ellipses.

(d) Vendor uses of the California WIC logo. The California WIC logo shall not be used in any media other than print as specified in this subsection (d).

(1) Posters. The Department may provide vendors with posters which include the California WIC logo to identify a store as authorized to accept food instruments from participants for the sale of supplemental foods. Only posters provided by the Department may include the WIC acronym or logo. Department supplied posters may only be displayed on store walls and boards or in window displays. Vendors may not print or display posters with the federal WIC logo, the WIC acronym, or the California WIC logo.
(2) Decals. The Department may provide vendors with decals to identify a store as authorized to accept food instruments from participants for the sale of supplemental foods. Only decals provided by the Department may be used if the decals include the WIC acronym or logo. Department supplied decals may only be affixed to windows or doors. Vendors may not print or display decals with the federal WIC logo, the WIC acronym, or the California WIC logo.

(3) Point of Display Items

(A) Signs. The Department may provide vendors with signs to identify WIC authorized supplemental foods and where the food items are located or shelved. Department supplied signs may only be affixed on displays to identify where food items are located or to emphasize fruits and vegetables as a food item choice. Vendors may not print or display signs with the federal WIC logo, the WIC acronym, or the California WIC logo.

1. When printing signs for WIC authorized foods a vendor may only use the following image containing the California WIC logo, available on VWIX and represented below. Vendors may resize the following logo for sign use up to 6 inches in height, without distorting the proportion of the logo image. This image is available for use as a sign or decal on VWIX.

A. Logo for Signs

(B) Shelf Talkers. Vendors are permitted to display shelf talkers to identify WIC authorized supplemental foods. Shelf talkers may only be affixed to shelves to identify where food items are located or shelved. Shelf talkers may be supplied by the Department or printed by a vendor with approval from the Department pursuant to subsection (c)(3)(B)(3) below.

1. Shelf talkers printed by a vendor that identify WIC authorized supplemental foods must comply with the printing and formatting requirements specified in subsection (c).
2. Shelf talkers for WIC authorized foods must be printed in color.

3. When printing shelf talkers for WIC authorized foods a vendor may only use one of the following images containing the California WIC logo, available on VWIX and represented below. Vendors may not resize or make any other changes to the images available for use as shelf talkers on VWIX.

   A. Right Shelf Talker

   ![Right Shelf Talker Sample]

   B. Left Shelf Talker

   ![Left Shelf Talker Sample]

   C. Standard Shelf Talker

   ![Standard Shelf Talker Sample]

(4) Newspaper Ad or Inserts Requirements. Upon approval of the Department, vendors may print the California WIC logo in dated, general circulation newspaper ads or inserts.
that advertise the vendor’s store (Ex. Weekly store ad).

(A) Newspaper ads or inserts printed by a vendor must comply with the printing and formatting requirements specified in subsection (c).

(B) Newspaper ads or inserts may be printed in color or in black. The black and white logo may only be used in black and white newspaper ads or inserts.

(C) When printing newspaper ads or inserts a vendor may only use one of the following logos, available on VWIX and represented below. The following logos may not be printed larger than 1/8 of the total size of the ad or insert:

1. Color Logo

![Color Logo Sample]

2. Black and White Logo

![Black and White Logo Sample]

(e) All vendors wishing to print or use the WIC logo pursuant to the requirements of this Section 71400 shall submit a sample of the proposed use prior to printing or publication to the Department for approval. The Department will review the proposed use for compliance with this Section 71400 and issue a determination as to whether the use is approved within 10 business days of receipt of request for approval.
(f) Vendors found to be out of compliance with this section on the first incidence will be issued a written notice of the vendor’s failure to comply with restrictions on the use of the WIC acronym and logo. If after 30 days from the date of the notice and within a twenty-four (24) month period from the date of the notice the vendor in a subsequent incident fails to comply with restrictions on the use of the WIC acronym and logo, the vendor shall have demonstrated a pattern of failure to comply with restrictions on the use of the WIC acronym and logo and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.


71500 Store Location and Hours.

(a) All vendors and vendor applicants must have a fixed location for each vendor store from which food instruments are transacted and authorized foods provided to participants, and

(b) All vendor stores must be open at least eight (8) hours per day, six (6) days per week. Of the eight (8) hours, at least four (4) of the hours that the vendor is open must be core hours. Core hours are defined as 9:00 a.m. to 5:00 p.m.


71600 Vendors Disqualified from SNAP/CalFresh will not be Authorized Unless Denying Authorization would result in Inadequate Participant Access.

Unless denying authorization of a vendor applicant would result in inadequate participant access, the Department shall not authorize a vendor applicant that is currently disqualified from the SNAP/CalFresh Program or that has been assessed a SNAP/CalFresh civil money penalty for hardship and the disqualification period that would otherwise have been imposed has not expired. Inadequate participant access shall be determined by the criteria specified in Title 22, California Code of Regulations, Section 40740 (h)(1).


71700 Vendors Must be SNAP/CalFresh Authorized.

As of February 28, 2014, vendors and vendor applicants must be authorized for participation in the SNAP/CalFresh Program at the time of application and at all times during the term of the vendor agreement.
71800 Vendor Training.

(a) Prior to authorization and at least once every three (3) years after authorization while authorized, vendor applicants and vendors or their designated representative must attend an interactive training and successfully pass an examination upon completion of the training as required by Title 22, California Code of Regulations, Section 40733.

(b) All vendors or their designated representatives must also participate in annual training provided by the Department as required by Title 22, California Code of Regulations, Section 40733. Each vendor must certify completion of the annual training by returning, within thirty (30) days of their receipt of the annual training, a statement certifying their participation in the annual training and their understanding of the materials.

   (1) The Department will provide written notice to an authorized vendor that fails to complete the annual training.

   (2) The vendor will be provided thirty (30) days from the date of the notice to complete the training and certify their participation in the annual training and their understanding of the materials.

(c) Failure to complete the annual training and certify their participation in the annual training and their understanding of the materials thirty (30) days from the date of the written notice will result in the Department terminating the vendor’s agreement.


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71900 Visible Posted Prices.

(a) All vendors and vendor applicants are required to post prices of all WIC authorized supplemental foods so that the prices are visible to customers.

   (1) Prices must be posted on the individual WIC authorized supplemental food item, or

   (2) Prices must be posted on the shelf on which the WIC authorized supplemental food is placed, directly below the product,

   (3) Directly above the product, or

   (4) If the supplemental foods are part of a display, the prices must be posted on the display.
(b) A vendor who fails to meet the price posting requirements of this section at any time shall be issued a written notice of the vendor’s failure to meet authorization criteria. If after thirty (30) days from the date of the notice and within a twenty-four (24) month period from the date of the notice the vendor subsequently fails to meet the price posting requirements of this section, the vendor shall have demonstrated a pattern of failure to meet price posting requirements and shall be disqualified from participation in the program for a period of one (1) year for failure to meet authorization criteria.

ARTICLE 5. WIC AUTHORIZED FOOD LIST
Article 5. WIC Authorized Food List

82000 WIC Authorized Food List Definitions.

(a) For the purposes of this article, the following definitions apply:

(1) Any Brand Foods. Any Brand Foods are foods in a CDPH Food Category or Subcategory that does not identify authorized foods by Brand or by Brand and product name.

(A) Authorized Any Brand Foods for paper food instruments are ones that meet the qualifying authorization criteria specified in a CDPH Food Category or Subcategory.

(B) Authorized Any Brand Foods for Electronic Benefit Transfer (EBT) food instruments are ones that:
   1. Meet the qualifying authorization criteria specified in the CDPH Food Category or Subcategory; and
   2. Are included in the Department’s Authorized Product List (APL).

(2) Authorized Product List. The Authorized Product List or APL is an electronic file of all Universal Product Codes (UPCs) and Price Look-Up codes (PLUs) for foods authorized by the Department.

(3) Brand. Brand is the company name under which a food product is advertised as being marketed or sold.

(4) Brand Specific Foods. Brand Specific Foods are foods in a CDPH Food Category or Subcategory that identifies authorized foods by Brand or by Brand and product name.

(A) Authorized Brand Specific Foods for paper food instruments are ones that:
   1. Are identified in a CDPH Food Category or Subcategory by Brand or by Brand and product name; and
   2. Meet the additional authorization criteria for that CDPH Food Category or Subcategory, such as container type, flavor, or fat level.

(B) Authorized Brand Specific Foods for EBT food instruments are ones that:
   1. Are identified in a CDPH Food Category or Subcategory by Brand or by Brand and product name;
   2. Meet the additional authorization criteria for that CDPH Food Category or Subcategory, such as container type, flavor, or fat level; and
3. Are included in the Department’s APL.

(5) California Department of Public Health Food Category. California Department of Public Health Food Category or CDPH Food Category is the Department’s classification of foods by type as listed in the headings of W.B.R. sections 82050-83000. CDPH Food Categories include: Bottled Juice; Breakfast Cereal; Canned Fish; Canned Mature Beans; Cheese; Concentrate Juice; Dry Beans, Peas, or Lentils; Eggs; Fresh Bananas; Fruits and Vegetables; Infant Cereal; Infant Formula; Infant Fruits and Vegetables; Infant Meats; Milk; Peanut Butter; Soy; Tofu; Whole Grains; and Yogurt. CDPH Food Categories may be Any Brand and/or Brand Specific.

(6) California Department of Public Health Food Subcategory. California Department of Public Health Food Subcategory or CDPH Food Subcategory is a classification of foods within a CDPH Food Category in which multiple subtypes of foods are authorized, e.g., the CDPH Whole Grains Food Category includes the Brown Rice, Bulgur, Corn Tortillas, Oatmeal or Oats, Whole Grain Barley, Whole Wheat Bread, Whole Wheat Pasta, and Whole Wheat Tortillas Subcategories. Each CDPH Food Subcategory has its own authorization criteria. CDPH Food Subcategories may be Any Brand or Brand Specific.

(7) Department. Department means the California Department of Public Health (CDPH), which administers the California Special Supplemental Nutrition Program for Women, Infants, and Children.

(8) Non-material Changes. Non-material Changes are changes to the Brand or product name of an authorized food product. Non-material Changes do not affect authorization of a food product.

(9) Price Look-Up Codes. Price Look-Up codes or PLUs are standard codes published by the International Federation of Produce Standards (IFPS) for produce.

(10) WIC Authorized Food List. The WIC Authorized Food List or WAFL is the compilation of foods that meet the authorization criteria listed in sections 82050-83000. Under an EBT food instrument system, the WAFL is the compilation of foods meeting the authorization criteria listed in sections 82050-83000 that are included in the APL.

(11) WIC Authorized Food List Shopping Guide. The “WIC Authorized Food List Shopping Guide” is a document printed by the Department to help participants and vendors identify authorized foods and is intended for educational purposes only. The “WIC Authorized Food List Shopping Guide” does not create any rights, obligations, affirmative duties, or replace or supersede the regulations in this Article.
(12) **WIC Program.** The WIC Program and WIC are defined as the California Special Supplemental Nutrition Program for Women, Infants, and Children.


82025 **WIC Authorized Food List: Authorized Product List Submissions.**

(a) Under an EBT food instrument system, both Brand Specific and Any Brand Foods must be listed by UPC or PLU in the Department’s APL for authorization.

(1) Any Brand Food products that meet the W.B.R. Food Category authorization criteria may be submitted for inclusion in the APL at any time.

(2) Brand Specific Food products will be added to the APL only when the Department adopts or amends regulations relating to the Brand Specific Food Category or Subcategory, however, products for currently-authorized Brand Specific Foods may be submitted for inclusion in the APL at any time if:

(A) A food manufacturer introduces a new UPC for an authorized Brand Specific Food, including new UPCs resulting from Non-material Changes or UPCs for new sizes of products that are authorized by Brand and product name when a range of sizes are authorized in a CDPH Food Category or Subcategory; or

(B) A food manufacturer introduces a new product that meets current authorization criteria in a CDPH Food Category or Subcategory in which products are authorized only by Brand.

(3) In order to submit a food product for inclusion in the APL, the submitting stakeholder must:

(A) Provide the Department with detailed information about the product in order for the Department to make a determination about the product’s eligibility for authorization. Submission elements include, but are not limited to, the following:

1. Electronic image of product packaging that includes front label, back label, nutrition facts panel, ingredient listing, and UPC;

2. Submitting Company Name;

3. Submitting Company Contact Information;

4. UPC;
5. Brand Name;
6. Product Name;
7. Product Size;
8. Applicable product characteristics, e.g.; container type, noting the presence of sweeteners, fat-level, pasteurization-status, etc.

(B) If a product is submitted by a food manufacturer’s employee or agent, the manufacturer must notify the Department in writing of all product changes and the effective date of the changes. Examples of product changes include, but are not limited to, changes in container size, ingredients, product name, or discontinuance of a product.

(4) Unless a Brand Specific Food product is being authorized by a WIC Bulletin Regulation as specified in subsection (a)(2), a food product that the Department determines meets both federal and state food authorization criteria will be added to the APL within thirty business days from the date of the Department’s written notification of the food product’s authorization for inclusion in the APL.

(5) The Department shall remove products from the APL when they are discontinued or if after a review of the product, the Department determines that the product no longer meets federal and/or state food authorization criteria. After the Department makes the determination, the product may be removed from the APL at any time.

(6) Authorized fruits and vegetables that have PLUs assigned by IFPS will be automatically included by the Department in the APL. Stakeholders may contact the Department requesting the addition of IFPS PLUs if an IFPS PLU is not included in the APL.

*Promulgated on 04/30/2018 in Regulatory Bulletin 2018-01.*

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 both “100% Juice” and a Daily Value of “80% 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, gingko 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;
(B) General Mills — Cheerios;
(C) General Mills — MultiGrain Cheerios;
(D) General Mills — Honey Kix;
(E) General Mills — Total Whole Grain;
(G) Kellogg’s — Corn Flakes;
(H) Kellogg’s — Frosted Mini Wheats Original;
(I) Kellogg’s — Frosted Mini Wheats Little Bites;
(J) Kellogg’s — Special K Original;
(K) Malt-O-Meal — Malt-O-Meal Hot Cereal Original;
(L) Post — Grape-Nuts;
(M) Post — Honey Bunches of Oats Honey Roasted;
(N) Quaker — Life Original;
(O) Quaker — Oatmeal Squares Brown Sugar; and
(P) Quaker — Oatmeal Squares Cinnamon.

(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) 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;
(N) Parade;
(O) Raley’s;
(P) Ralston Foods;
(Q) Red & White;
(R) Shurfine;
(S) Signature Select;
(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;
(B) Early On;
(C) First Street;
(D) Food Club;
(E) Great Value;
(F) Hy-Vee;
(G) Kroger;
(H) Raley’s;
(I) Ralston Foods;
(J) Red & White;
(K) Shurfine;
(L) Signature Select;
(M) Special Value;
(N) Springfield;
(O) Stater Bros;
(P) Sunny Select;
(Q) Western Family; and
(R) WinCo Foods.

(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.


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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.

Promulgated and renumbered as 82150 on 03/28/2016 in Regulatory Bulletin 2015-02.

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.

Promulgated and renumbered as 82200 on 03/28/2016 in Regulatory Bulletin 2015-02.

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, white, or yellow 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;
   (D) Is of regular sodium content or low sodium; and
   (E) Is pasteurized.

(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 both “100% Juice” and a Daily Value of “80% 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 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;
(F) Soy nuts; and
(G) Dry beans, peas, or lentils that are sold in bulk and not pre-packaged.
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:

- Powdered eggs;
- Liquid eggs;
- Specialty eggs, such as cage-free, vitamin-enriched, pastured, low cholesterol, or DHA-enriched eggs; and
- 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:

- Plantains;
- Red bananas;
- Mini bananas; and
- 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 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;
5. Trail mix; and
6. Dried fruits that are sold in bulk and not pre-packaged.

(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.


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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) Beech-Nut — Multigrain;
(B) Beech-Nut — Oatmeal;
(C) Beech-Nut — Organic Multigrain;
(D) Beech-Nut — Organic Oatmeal;
(E) Beech-Nut — Rice Single Grain;
(F) Early On — Oatmeal;
(G) Earth’s Best Organic — Whole Grain Multi-Grain;
(H) Earth’s Best Organic — Whole Grain Oatmeal;
(I) Earth’s Best Organic — Whole Grain Rice;
(J) Gerber — Barley;
(K) Gerber — MultiGrain;
(L) Gerber — Oatmeal;
(M) Gerber — Organic Oatmeal;
(N) Gerber — Organic Rice;
(O) Gerber — Rice;
(P) Gerber — Whole Wheat;
(Q) Mom’s Choice — Rice; and
(R) Yummy Naturals — Multigrain.

(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 included in their electronic benefits or 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: https://www.cdph.ca.gov/programs/cfh/dwicsn/cdph%20document%20library/wicfoods/formulaflyeren.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.


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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)-(Q) is authorized in the Infant Fruits and Vegetables Category when it has all of the following characteristics:

(A) Is sold in 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;
(C) Earth’s Best Organic;
(D) First Choice;
(E) Gerber;
(F) Happy Baby Organics;
(G) Mom’s Natural Choice;
(H) Mom’s Organic Choice;
(I) O Organics;
(J) Parent’s Choice;
(K) Pic Select Fresh;
(L) Raley’s Organic;
(M) Tippy Toes;
(N) Tippy Toes Organic;
(O) Wild Harvest;
(P) Yummy Naturals; and
(Q) Yummy Organics.

(3) 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)-(K) 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;
(C) Earth’s Best Organic;
(D) Gerber;
(E) Mom’s Natural Choice;
(F) O Organics;
(G) Raley’s Organic;
(H) Tippy Toes;
(I) Tippy Toes Organic;
(J) Wild Harvest; and
(K) Yummy Naturals.

(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 included in a participant’s electronic benefits or 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 included in a participant’s electronic benefits or 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 included in a
participant’s electronic benefits or is 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 included in a participant’s electronic benefits or 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 included in a participant’s electronic benefits or 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 included in a participant’s electronic benefits or 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 included in a participant’s electronic benefits or is printed on a participant’s food. 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 included in a participant’s electronic benefits or 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 included in a participant’s electronic benefits or 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) Cultured milks, such as acidophilus milk, buttermilk, or kefir milk;
(C) Specialty milks, other than those listed in (a)(5)-(7), such as calcium-fortified milk, milk with added DHA, Ultra Heat Treated (UHT) shelf-stable milk, A2 milk, ultra-filtered milk, or protein-fortified milk;
(D) Flavored milk, including but not limited to chocolate or strawberry;
(E) Goat’s milk;
(F) Soy milk;
(G) Non-dairy milk substitutes;
(H) Milk sold in pint sized containers;
(I) Milk in glass bottles;
(J) Sweetened condensed or filled milk; and
(K) 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 or flax seed;
(G) Peanut butter with artificial, reduced-calorie, or no-calorie sweeteners; and
(H) Organic peanut butter.

(D) Silk Soymilk
   1. Original flavor; and
   2. Sold in refrigerated half gallons or refrigerated quart-sized containers.

(E) WESTSOY Organic Plus Soymilk
   1. Plain flavor; and

(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;
   (B) Light, lowfat, fat free, and non-fat soy-based beverage; and
   (C) Unsweetened 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

(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 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
   (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 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. Chavez Supermarket — Corn Tortillas
2. Chi-Chi’s — White Corn Taco Style Tortillas
3. Don Pancho — White Corn Tortillas
4. El Comal — Corn Tortillas
5. El Super — Tortillas De Maiz
6. Essential Everyday — White Corn Tortillas 5.5" Soft Taco Style
7. Guerrero — Tortillas de Maiz Blanco
8. IGA — White Corn Tortillas
9. Kroger — Yellow Corn Tortillas
10. La Banderita — Corn Tortillas
11. La Banderita — Grande Corn Tortillas
12. La Banderita — Yellow Corn Tortillas
13. La Burrita — Corn Tortillas
14. Mi-Rancho Tortillas — Soft White Corn Tortillas
15. Mission — Yellow Corn Tortillas Extra Thin
16. Northgate Market — White Corn Tortillas de Maiz
17. Northgate Market — Yellow Corn Tortillas de Maiz
18. Ozuna — Corn Tortillas
19. Romero’s — Whole Grain Corn Tortillas
20. Tortilleria Santacruz — Corn Tortillas

(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 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 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 Subcategory
(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 Angel Hair
3. Barilla — Whole Grain Elbows
4. Barilla — Whole Grain Linguine
5. Barilla — Whole Grain Medium Shells
6. Barilla — Whole Grain Penne
7. Barilla — Whole Grain Rotini
8. Barilla — Whole Grain Spaghetti
9. Barilla — Whole Grain Thin Spaghetti
10. Essential Everyday — Whole Wheat Elbow Macaroni
11. Essential Everyday — Whole Wheat Penne Rigate
12. Essential Everyday — Whole Wheat Rotini
13. Essential Everyday — Whole Wheat Spaghetti
14. Essential Everyday — Whole Wheat Thin Spaghetti
15. Full Circle — Organic Whole Wheat Angel Hair
16. Full Circle — Organic Whole Wheat Spaghetti
17. Great Value — Whole Wheat Elbows
18. Great Value — Whole Wheat Linguine
19. Great Value — Whole Wheat Penne
20. Great Value — Whole Wheat Rotini
21. Great Value — Whole Wheat Spaghetti
22. Great Value — Whole Wheat Thin Spaghetti
23. Hodgson Mill — Whole Wheat Angel Hair
24. Hodgson Mill — Whole Wheat Elbows
25. Hodgson Mill — Whole Wheat Spaghetti
26. Hodgson Mill — Whole Wheat Spirals
27. Hodgson Mill — Whole Wheat Thin Spaghetti
28. Kroger — 100% Whole Grain Penne Rigate
29. Kroger — 100% Whole Grain Rotini
30. Kroger — 100% Whole Grain Spaghetti
31. Kroger — 100% Whole Grain Thin Spaghetti
32. O Organics — Organic Whole Wheat Elbow Macaroni
33. O Organics — Organic Whole Wheat Linguine
34. O Organics — Organic Whole Wheat Penne Rigate
35. O Organics — Organic 100% Whole Wheat Rotini
36. O Organics — Organic 100% Whole Wheat Spaghetti
37. O Organics — Organic Whole Wheat Thin Spaghetti
38. Racconto — Whole Wheat Capellini
39. Racconto — Whole Wheat Elbows
40. Racconto — Whole Wheat Farfalle
41. Racconto — Whole Wheat Linguine
42. Racconto — Whole Wheat Penne Rigate
43. Racconto — Whole Wheat Rigatoni
44. Racconto — Whole Wheat Rotini
45. Racconto — Whole Wheat Spaghetti
46. Ronzoni Healthy Harvest — 100% Whole Grain Linguine
47. Ronzoni Healthy Harvest — 100% Whole Grain Penne Rigate
48. Ronzoni Healthy Harvest — 100% Whole Grain Rotini
49. Ronzoni Healthy Harvest — 100% Whole Grain Spaghetti
50. Ronzoni Healthy Harvest — 100% Whole Grain Thin Spaghetti
51. Signature Select — Whole Wheat Elbow Macaroni
52. Signature Select — Whole Wheat Linguine
53. Signature Select — Whole Wheat Penne Rigate
54. Signature Select — Whole Wheat Rotini
55. Signature Select — Whole Wheat Spaghetti
56. Signature Select — Whole Wheat Thin Spaghetti
57. Simple Truth Organic — Organic Whole Wheat Penne Rigate
58. Simple Truth Organic — Organic Whole Wheat Rotini
59. Simple Truth Organic — Organic Whole Wheat Spaghetti
60. Simply Balanced — Organic Whole Wheat Farfalle
61. Simply Balanced — Organic Whole Wheat Penne Rigate
62. Simply Balanced — Organic Whole Wheat Spaghetti
63. Springfield — Whole Wheat Penne Rigate
64. Springfield — Whole Wheat Rotini
65. Western Family — 100% Whole Wheat Penne Rigate
66. Western Family — 100% Whole Wheat Spaghetti
67. WinCo Foods — Whole Wheat Penne
68. WinCo Foods — Whole Wheat Rotini
69. WinCo Foods — 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. Chi-Chi’s — Whole Wheat Tortillas Fajita Style
2. Don Pancho — Soft Taco Style Whole Wheat Tortillas
3. El Comal — 100% Whole Wheat Flour Tortillas
4. Essential Everyday — 100% Whole Wheat Flour Tortillas
5. Frestillas — 100% Whole Wheat Tortillas
6. Great Value — Whole Wheat Flour Tortillas
7. Guerrero — Tortillas de Harina Integral
8. Herdez — Whole Wheat Tortillas Fajita Style/Trigo Integral Fajita Style
9. IGA — Whole Wheat Tortillas Taco Style
10. Kroger — 100% Whole Wheat Tortillas Soft Taco Size
11. La Banderita — 100% Whole Wheat Flour Tortillas Fajita
12. La Banderita — 100% Whole Wheat Flour Tortillas Soft Taco
13. Market Pantry — 100% Whole Wheat Tortillas
14. Mi-Rancho Tortillas — Whole Wheat Flour Tortillas
15. Mission — 100% Whole Wheat Flour Tortillas Fajita
16. Mission — 100% Whole Wheat Flour Tortillas Soft Taco
17. Ortega — Whole Wheat Tortillas
18. Ozuna — Whole Wheat Tortillas
19. Romero’s — 100% Whole Wheat Grain Flour Tortillas Regular/Soft Taco Size
20. Signature Select — Whole Wheat Flour Tortillas Soft Taco Style
21. Tortilleria Santacruz — 100% 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;
(E) Homemade whole grains; and
(F) Whole grains that are sold in bulk and not pre-packaged.


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 included in a participant’s electronic benefits or 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 included in a participant’s electronic benefits or 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.
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) Berkeley Farms
   1. Plain (nonfat, lowfat)
   2. Strawberry (lowfat)
   3. Vanilla (lowfat)

(C) Crystal
   1. Plain (low fat)

(D) Dannon
   1. Plain (nonfat, lowfat, or whole)
   2. Strawberry (whole)
   3. Vanilla (lowfat, whole)

(E) Early On
   1. Plain (fat free)
   2. Strawberry (lowfat)

(F) Essential Everyday
   1. Blended Plain (fat free, lowfat, or whole)
   2. Blended Strawberry (lowfat)
   3. Blended Vanilla (lowfat)

(G) Great Value
   1. Plain (nonfat)
   2. Strawberry (lowfat)
   3. Vanilla (lowfat)

(H) Kroger
   1. Blended Plain (lowfat)
   2. Plain (nonfat)
(I) LALA
   1. Plain (low fat)
   2. Vanilla (low fat)

(J) Lucerne
   1. Plain (fat free, whole)
   2. Strawberry (lowfat)

(K) Market Pantry
   1. Plain (nonfat)

(L) Mountain High
   1. Plain (fat free, lowfat, or whole)
   2. Strawberry (whole)
   3. Vanilla (fat free, lowfat, or whole)

(M) Springfield
   1. Plain (lowfat)
   2. Strawberry (lowfat)

(N) Stater Bros.
   1. Plain (fat free)
   2. Blended Strawberry (lowfat)
   3. Blended Vanilla (lowfat)

(O) Sunnyside Farms
   1. Original Plain (lowfat)
   2. Original Strawberry (lowfat)
   3. Original Vanilla (lowfat)

(P) Western Family
   1. Plain (low-fat)

(Q) WinCo Foods
   1. Plain (nonfat, whole)
   2. Strawberry (lowfat)
   3. Vanilla (lowfat)

(R) 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.


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