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September 22, 2017

REGULATORY BULLETIN 2017-01

NOTICE OF FINAL ACTION

Subject

Final Action on the Notice of Proposed Changes posted as [Regulatory Alert 2017-01](#) on May 5, 2017 at:

<https://www.cdph.ca.gov/Programs/CFH/DWICSN/CDPH%20Document%20Library/LawsandRegulations/Regulatory%20Alert%202017-01.pdf>

Date of Adoption

The Final Action will be effective February 1, 2018.

Stakeholder Comments and Responses

Please see Attachment 1 of this Regulatory Bulletin for the Stakeholder comments and the Department's responses.

Regulation

Article 5. WIC Authorized Food List

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;



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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, ginkgo biloba, ginseng, guarana, St. John’s wort, taurine, or wheatgrass;
 - (E) Organic juice; and
 - (F) Refrigerated juice.

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.

Feedback

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

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Attachment 1

WIC Authorized Food List Juice Amendments Stakeholder Comments and Responses to Comments

**California Special Supplemental Nutrition Program for Women, Infants, and Children
September 22, 2017**

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Written Comment Letters Received

The California Department of Public Health/Women, Infants, and Children Program (Department) received one comment e-mail in response to the WIC Authorized Food List Juice regulations amendments proposed in Regulatory Alert 2017-01 from the following individual:

1. Kimberly Campbell, May 25, 2017

Comments Received and Responses

In response to Regulatory Alert 2017-01, the Department received one stakeholder comment. The Department thanks this commenter for participating in the regulatory process and providing input on the proposed regulations. Please read below for the Department's response to the comment received.

1. **Comment:** When will WIC give better options instead of juice? You might as well be giving kids soda considering the amount of sugar that is in juice. Why not offer the option to purchase more fruits and veggies? Even the American Academy of pediatrics states that juice offers no nutritional [sic] value. I'm tempted to leave the WIC program because it doesn't seem all that healthy with the juice and cereal being pushed at families, especially the ones that don't know any better.

Response: These regulations are being amended to modify the Department's juice labeling requirements and are not intended to address the authorization of juice. WIC state agencies are required to authorize the categories and/or foods specified by the United States Department of Agriculture in 7 Code of Federal Regulations part 246.10(e)(12) table 4; only federal action can modify the authorization of juice.