December 23, 2025

Regulatory Alert 2025-01

Notice of Proposed Changes to the California WIC Program

Purpose

The California Department of Public Health (Department) is providing this notice to inform stakeholders of the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) of the Department's plan to amend various sections in Article 5 of the WIC Bulletin Regulations. These amendments reflect the changes the Department is proposing to make to its WIC Authorized Food List to: (1) account for changes in federal WIC food regulations; (2) modify state requirements for some WIC authorized foods; (3) reflect submissions made by food manufacturers for Brand Specific Food products that meet federal and state requirements; (4) remove products that have been discontinued, no longer meet federal criteria or proposed state criteria, or for which the Department was unable to verify eligibility for authorization due to a lack of information from the food manufacturers; and (5) enhance the clarity and readability of the regulations.

Stakeholder Workgroup Information

In accordance with Health and Safety Code section 123322, the Department will meet with stakeholders by webinar on January 9, 2026, to receive input on the proposed changes to the WIC Authorized Food List regulations. If you are interested in participating in this stakeholder workgroup, please send an email by 11:59 pm Pacific Standard Time (PST) on January 6, 2026, with the subject line "Regulatory Alert 2025-01 Stakeholder RSVP" to WICRegulations@cdph.ca.gov, with the following information included in the body of the email:

Name:
Company Name (if applicable):

Address:
Email Address:
Stakeholder Group Represented (stakeholders can include, but are not limited to, currently authorized WIC vendors, owners or representatives of a non-WIC authorized store, food manufacturers, WIC local agency representatives, WIC participants, advocates, and consumer groups):

The Department will contact you by January 7, 2026, with details on how and when to attend a webinar workgroup meeting. Stakeholders participating in a meeting will be assigned to the first available meeting.

Comment Period

The Department will accept written comments regarding the proposed action. The comment period will be open for 22 calendar days, closing at 11:59 pm PST on January 14, 2026. Send your comments electronically, with "Regulatory Alert 2025-01" in the subject line, to the following email address: WICRegulations@cdph.ca.gov.

Please note: All information submitted with your written comments becomes public information. Please do not include any confidential information, including personal contact information or other private information, in your comments.

If this proposed action is not withdrawn, the Department will publish its final action, including responses to the comments received, on its website no later than 180 days after the end of the comment period.

Authorization

Health and Safety Code section 123322 authorizes the Department to establish regulations regarding WIC authorized foods using a regulatory bulletin process. The Department is using this process to amend these regulations.

Questions and Additional Information:

If you have questions, please contact the Department at WICRegulations@cdph.ca.gov.

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California Department of Public Health

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Introduction to Proposed Amendments to Article 5

The Department, which administers the WIC Program, is proposing to amend Article 5 of the WIC Bulletin Regulations via regulatory bulletin. For each section covered in this Regulatory Alert, the Department is including the proposed changes to the regulation text, the authority for the section, and the Statement of Reasons explaining the proposed changes to the section.

In April 2024, the U.S. Department of Agriculture (USDA) published a final rule entitled "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages." (89 Fed.Reg. 28488 (Apr. 18, 2024) (Final Rule).) USDA's Final Rule revised the WIC food packages to reflect recommendations from the National Academies of Sciences, Engineering, and Medicine (NASEM), as well as the latest nutritional guidance in the *Dietary Guidelines for Americans, 2020-2025* (DGA). The Final Rule also reflected USDA's consideration of public comments received in response to the proposed rule entitled "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Revisions in the WIC Food Packages." (87 Fed.Reg. 71090 (Nov. 21, 2022) (Proposed Rule).)

As part of its updates to the WIC food packages, USDA indicated that the quantities and types of foods included in the food packages are intended to "(1) address the prevalence of inadequate and excessive nutrient intakes for each WIC participant category, (2) contribute to an overall dietary pattern consistent with the [DGA], and (3) deliver priority nutrients to participants to meet their supplemental nutrition needs." (89 Fed.Reg. 28488, 28529 (Apr. 18, 2024).) In addition to making changes to the quantities and types of foods authorized for issuance to participants, USDA's regulations now permit WIC State agencies to authorize foods in package sizes that exceed the maximum monthly allowance (MMA) for each individual WIC food package to account for instances where multiple household members are receiving the same food. (89 Fed.Reg. 28488, 28508 (Apr. 18, 2024).)

In order to inform its implementation of the changes brought about by the Final Rule, in summer 2025, the Department conducted a request for information (RFI). The RFI assisted the Department with evaluating current and potential state requirements for authorized foods and identifying specific Brands and products that met federal and state requirements for authorized foods. (U.S. Dept. of Agr., Food & Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.) As part of the RFI, the Department emailed a letter to all manufacturers known to the Department detailing how to submit their products for review. The Department also posted the letter on its website in order to ensure that information regarding the submission process was publicly available to interested manufacturers.

Finally, to further inform the proposed changes, the Department conducted two important surveys. The first of these surveys was the 2024 Participant Survey, an online food preference survey in which the Department asked WIC participants to share their

preferences regarding new foods and their feedback about specific changes included in USDA's Final Rule. Approximately 100,000 WIC families responded to the 2024 Participant Survey. The second of these surveys was the 2025 Store Survey, in which the Department collected food product data from grocers' websites, including pricing and availability data. The Department collected this information from chains that are primarily comprised of Large Full Line Grocers, as defined in section 60000, subsection (a)(10), of the WIC Bulletin Regulations. The Department used data from these grocers' websites because Large Full Line Grocers are known to stock an extensive variety of foods. Additionally, because pricing data from Large Full Line Grocers significantly influence the Department's reimbursement rates (see generally W.B.R. §§ 60000, 60200, 60300), when evaluating whether to add new CDPH Food Subcategories, or authorize new products, the prices charged by Large Full Line Grocers give the Department a clearer picture of the potential cost of the foods.

Overall, the proposed amendments to Article 5 included in this Regulatory Alert reflect USDA's Final Rule, information from food manufacturers obtained by the Department as part of the RFI, and information about participant preferences, food prices, and food availability obtained by the Department as part of the 2024 Participant Survey and 2025 Store Survey.

In addition to the substantive amendments described throughout this Statement of Reasons, the Department is proposing to make the following non-substantive changes throughout Article 5:

- The Department is proposing to renumber, reorder, and relocate various subsections throughout the article to account for the addition or deletion of regulation text in the applicable section.
    - Many of these proposed changes are to ensure that currently authorized food products listed in the section continue to appear in alphabetical order within the applicable section regardless of the number of foods or food products being added to or removed from the section.
    - Other proposed changes are to account for the renumbering or reordering of subsections due to the proposed repeal of regulation text that exclusively applies to the now-obsolete paper food instrument system.
    - Where applicable, the Department's reasoning for any substantive additions to or deletions from a section or subsection will be described below as part of the Statement of Reasons for that section or subsection.
- The Department is also proposing to make non-substantive revisions to the structure, syntax, cross-references, grammar, and punctuation in

various sections of Article 5. In addition to minor changes to grammar and syntax to improve clarity and readability, some examples of the Department's proposed non-substantive revisions include:

- Revising existing cross-references to defined terms such as "Brand" and "CDPH Food Subcategory" to ensure that these terms are capitalized and set out in full. These changes are for clarity and consistency and will more clearly identify when regulation text is cross referencing a term that is defined in regulation.

- Revising the structure and format of existing cross references for consistency with the structure and format of other cross references used throughout the WIC Bulletin Regulations, for example, by referring to "subsections (a) through (c)" instead of "(a)-(c)."

- Revising existing cross-references where necessary due to restructuring in the cross-referenced section(s) or subsection(s).

- Removing semi-colons from existing lists of Brand Specific Food products to enhance the clarity and readability of the lists.

- Revising existing language that refers to certain foods being "allowed" to instead say "authorized" for consistency with other regulation text throughout Article 5.

- Revising existing references to numbers to conform with the formatting used throughout the WIC Bulletin Regulations, for example, by referring to "ten (10)" instead of "ten" or "10."

- Revising existing regulation text to eliminate the use of "and/or" for consistency with the grammar and syntax of other regulation text throughout the WIC Bulletin Regulations.

- Capitalizing the first letter of the first word of each subsection or sentence or removing the capitalization of the first letter of a word that is no longer the first word in a subsection or sentence, to reflect substantive revisions described in the applicable Statement of Reasons.

These non-substantive changes do not materially alter the requirements imposed by, or the meaning or scope of, the affected regulations.

Proposed Amendments: 82000 WIC Authorized Food List Definitions.

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

(1) *Any Brand Food~~s~~.* An Any Brand Food~~s~~ ~~are~~ is a food~~s~~ in a CDPH Food Category or CDPH Food Subcategory that does not identify authorized food product~~s~~ by

Brand or by Brand and product name. The following foods are examples of Any Brand Foods: cheese, peanut butter, and whole wheat bread.

~~(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.~~

(A)~~(B)~~ Authorized Any Brand Foods ~~for Electronic Benefit Transfer (EBT) food instruments~~ are ones that:

1. Meet the ~~qualifying~~ authorization criteria specified ~~in~~ for the CDPH Food Category or CDPH Food 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 food products authorized by the Department.

(3) *Brand.* Brand is the name created by a company ~~name~~ under which ~~a~~ its food product or range of food products is advertised, ~~as being~~ marketed, or sold.

(4) *Brand Specific Foods~~.~~* A Brand Specific Foods ~~are~~ is a foods in a CDPH Food Category or CDPH Food Subcategory that identifies authorized food products by Brand or by Brand and product name. The following foods are examples of Brand Specific Foods: breakfast cereal, tofu, and corn tortillas.

~~(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.~~

(A)~~(B)~~ Authorized Brand Specific Foods ~~for EBT food instruments~~ are ones that:

1. Are identified in a CDPH Food Category or CDPH Food Subcategory by Brand or by Brand and product name;
2. Meet the ~~additional~~ authorization criteria for that CDPH Food Category or CDPH Food 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.~~ for sections 82050 through ~~-~~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~~ Plant-Based Milk Alternatives; Tofu; Whole Grains; and Yogurt. CDPH Food Categories may be for Any Brand Foods, ~~and/or~~ Brand Specific Foods, or both.

(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.,~~ For example, the ~~CDPH~~ Whole Grains ~~Food~~ Category includes the following CDPH Food Subcategories: Brown Rice, Bulgur, Corn Masa Flour, Corn Tortillas, Oatmeal or Oats, Whole Grain Barley, Whole Grain Cornmeal, Whole Wheat Bagels, Whole Wheat Bread, Whole Wheat English Muffins, Whole Wheat Pasta, Whole Wheat Pita Bread, and Whole Wheat Tortillas ~~Subcategories~~. Each CDPH Food Subcategory has its own authorization criteria. CDPH Food Subcategories may be for Any Brand Foods or Brand Specific Foods.

(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-~~m~~Material Change~~s~~.* A Non-~~m~~Material Change~~s~~ ~~are~~ is a change~~s~~ to the Brand or product name of an authorized food product. A Non-~~m~~Material Change~~s~~ do~~es~~ not affect authorization of a food product, but to be available for redemption by participants, the food product must be included in the Department's APL by UPC or PLU.

(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 through ~~-~~83000~~. Under an EBT food instrument system, the WAFL is the compilation of foods meeting the authorization criteria listed in sections 82050-83000 that~~ and 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 ~~A~~article.

(12) *WIC Program.* The WIC Program and WIC are defined as the California Special Supplemental Nutrition Program for Women, Infants, and Children.

Authority

Federal:
7 C.F.R. § 246.3(b) (2025)

7 C.F.R. § 246.10(b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(9), table 1, (e)(12), table 4 (2025)

7 C.F.R. § 246.12(a) (2025)

State:
Health & Saf. Code, § 123290, subd. (d)

Statement of Reasons

82000(a)(1) The Department is proposing to amend subsection (a)(1) to make the definition of “Any Brand Food” singular instead of plural. This proposed change is for consistency with other defined terms in section 82000, such as the definitions of “Brand,” “CDPH Food Category,” and “CDPH Food Subcategory,” all of which are defined in the singular and then subsequently used in both the singular and the plural. This proposed change is also for consistency with current regulation text in section 82025, subsection (a)(1), which refers to “Any Brand Food products.” In addition to changing the defined term from “*Any Brand Foods*” to “*Any Brand Food*,” the Department is also proposing to change the first part of the first sentence from “Any Brand Foods are foods. . .” to “An Any Brand Food is a food. . .” These proposed changes do not alter the meaning of Any Brand Food.

The Department is proposing to change “authorized foods” to instead say “authorized food **products**.” This proposed change is for consistency with existing regulation text in section 82025, subsection (a)(1), which refers to “Any Brand Food **products**.” This proposed change does not alter the meaning or effect of the regulation text.

The Department is proposing to add a second sentence to subsection (a)(1) that says: “The following foods are examples of Any Brand Foods: cheese, peanut butter, and whole wheat bread.” These proposed changes are for clarity and to facilitate stakeholder understanding, but do not change the meaning of Any Brand Food or the substantive effect of the regulation text in subsection (a)(1).

~~(a)(1)(A)~~ The Department is proposing to repeal current subsection (a)(1)(A), which is the provision defining “Any Brand Foods” for paper food instruments. In 2020, the Department completed its transition to an electronic benefit transfer (EBT) food instrument system, eliminating participants’ use of paper food instruments at vendor locations. (See 7 C.F.R. § 246.12(a) [requiring all WIC State agencies to implement EBT statewide by October 1, 2020, unless the State agency was granted an exemption].)

(a)(1)(A) In redesignated subsection (a)(1)(A), the Department is proposing to remove the regulation text that says “for Electronic Benefit Transfer (EBT) food instruments” because, as noted above, it is no longer necessary to distinguish between EBT food instruments and paper food instruments.

(a)(1)(A)1. For clarity and ease of understanding, in redesignated subsection (a)(1)(A)1., the Department is proposing to change the phrase “criteria specified **in** the CDPH Food Category or Subcategory to instead say “criteria specified **for** the CDPH Food Category or CDPH Food Subcategory.” (Emphasis added). For clarity and consistency with other regulation text, including subsection (a)(10) (the definition of WIC Authorized Food List (WAFL)), the Department is also proposing to delete the word “qualifying” from the phrase “[m]eet the qualifying authorization criteria.” In order to be authorized, foods must meet the authorization criteria for a CDPH Food Category or CDPH Food Subcategory. These proposed changes do not alter the substantive meaning or effect of the regulation text.

(a)(2) The Department is proposing to change the existing reference to UPCs and PLUs for “foods authorized by the Department” to instead refer to UPCs and PLUs for “food **products** authorized by the Department.” This change is for consistency with other regulation text, including several of the current provisions in section 82025 that refer to “products” being added to the Department’s Authorized Product List (APL). This proposed change does not alter the substantive meaning or effect of the regulation text.

(a)(3) The Department is proposing to change the definition of “Brand” from “the company name under which a food product is advertised as being marketed or sold” to say “the name created by a company under which its food product or range of food products is advertised, marketed, or sold.” This proposed amendment recognizes that a company that makes food products may market them under different names, including names that are different from the company’s name.

(a)(4) The Department is proposing to amend subsection (a)(4) to make the definition of “Brand Specific Food” singular instead of plural. This is for consistency with other defined terms in section 82000, such as the definitions of “Brand,” “CDPH Food Category,” and “CDPH Food Subcategory,” all of which are defined in the singular and then subsequently used in both the singular and the plural. This proposed change is also for consistency with the current regulation text in section 82025, subsection (a)(2), which refers to “Brand Specific Food products.” In addition to changing the defined term from “*Brand Specific Foods*” to “*Brand Specific Food*,” the Department is also proposing to change the first part of the first sentence from “Brand Specific Foods are foods. . .” to “A Brand Specific Food is a food. . .” These proposed changes do not change the meaning of Brand Specific Food.

The Department is proposing to change “authorized foods” to instead say “authorized food **products**.” This proposed change is for consistency with existing regulation text in section 82025, subsection (a)(2), which refers to “Brand Specific Food **products**.” This proposed change does not alter the meaning or effect of the regulation text.

The Department is proposing to add a second sentence to subsection (a)(4) that says: “The following foods are examples of Brand Specific Foods: breakfast cereal, tofu, and corn tortillas.” These proposed changes are for clarity and to facilitate stakeholder

understanding, but do not change the meaning of Brand Specific Food or the substantive effect of the regulation text in subsection (a)(4).

~~(a)(4)(A)-(a)(4)(A)2.~~ The Department is proposing to repeal current subsections (a)(4)(A) through (a)(4)(A)2., which define Brand Specific Foods for paper food instruments. As noted above, the Department completed its transition to an EBT food instrument system in 2020.

(a)(4)(A) In redesignated subsection (a)(4)(A), the Department is proposing to remove the regulation text that says "for EBT food instruments" because it is no longer necessary to distinguish between EBT food instruments and paper food instruments. As noted above, the Department completed its transition to an EBT food instrument system in 2020.

(a)(4)(A)2. For clarity and consistency with other regulation text, including subsection (a)(10) (the definition of WAFL), the Department is proposing to delete "additional" from the phrase "[m]eet the additional authorization criteria." In order to be authorized, foods must meet the authorization criteria for a CDPH Food Category or CDPH Food Subcategory. This proposed change does not alter the meaning or effect of the regulation text.

(a)(5) For consistency with other regulation text in the WIC Bulletin Regulations, the Department is proposing to change the text referring to "the headings of W.B.R. sections 82050-83000" to instead say "the headings for sections 82050 through 83000."

To account for the proposed repeal of section 82450, Authorized Food List: Fresh Bananas, the Department is proposing to remove "Fresh Bananas" and the associated semi-colon from the list of CDPH Food Categories. The Department's reasons for proposing to repeal this section are discussed below in the Statement of Reasons for section 82450.

The Department is proposing to change the name of the CDPH Food Category for "Soy" to "Plant-Based Milk Alternatives" to reflect changes made as part of USDA's Final Rule. In addition to codifying changes to allow for the authorization of plant-based milk alternatives that meet the same nutrient requirements applicable to soy-based beverages, USDA made corresponding changes in 7 Code of Federal Regulations part 246.10(e)(12), table 4, to refer to "plant-based milk alternatives."

For consistency with other regulation text, and for clarity and ease of reading, the Department is proposing to change the third sentence of this subsection from "CDPH Food Categories may be Any Brand and/or Brand Specific" to "CDPH Food Categories may be **for** Any Brand Foods, Brand Specific Foods**, or both**." (Emphasis added). These proposed changes do not alter the substantive meaning or effect of the regulation text.

(a)(6) The Department is proposing to divide the first sentence of current subsection (a)(6) into two sentences, with the first sentence ending with the words "are authorized"

followed by a period and the second sentence beginning with the words “For example” followed by a comma. These proposed changes are for clarity and ease of reading.

In light of the addition of the words “For example,” the Department is proposing to remove the current use of “e.g.” and the two corresponding commas. For clarity, and to conform with other references in this article, the Department is proposing to change the text referring to “the CDPH Whole Grains Food Category” to instead say “the Whole Grains Category.” For clarity and ease of reading, the Department is proposing to add the words “includes the following CDPH Food Subcategories” after the existing reference to the Whole Grains Category. With these changes, the first clause of the second sentence would read as follows: “For example, the Whole Grains Category includes the following CDPH Food Subcategories. . .” To conform with these proposed changes, the Department is proposing to remove the word “Subcategories” from the end of the sentence that lists the CDPH Food Subcategories.

The Department is also proposing to add additional foods to the list of CDPH Food Subcategories within the Whole Grains Category. Specifically, the Department is proposing to add Corn Masa Flour, Whole Grain Cornmeal, Whole Wheat Bagels, Whole Wheat English Muffins, and Whole Wheat Pita Bread. The Department is proposing to add these foods, which are now allowed under federal regulation (7 C.F.R. § 246.10(e)(12), table 4), as new whole grain options under section 82950, WIC Authorized Food List: Whole Grains Category. Additional details about these proposed additions will be discussed in the Statement of Reasons for section 82950 and the applicable subsections.

The Department is proposing to change the last sentence of this subsection from “CDPH Food Subcategories may be Any Brand and/or Brand Specific” to instead say “CDPH Food Subcategories may be **for** Any Brand Foods **or** Brand Specific Foods.” (Emphasis added). These proposed changes are for clarity, consistency, and ease of reading, and do not alter the substantive meaning or effect of the regulation text.

(a)(8) The Department is proposing to amend subsection (a)(8) to make the definition of “Non-Material Change” singular instead of plural. This is for consistency with other defined terms in section 82000, such as the definitions of “Brand,” “CDPH Food Category,” and “CDPH Food Subcategory,” all of which are defined in the singular and then subsequently used in both the singular and the plural. In addition to changing the defined term from “*Non-Material Changes*” to “*Non-Material Change*,” the Department is also proposing to change the first sentence of the regulation text that says “Non-Material Changes are changes. . .” to instead say “A Non-Material Change is a change. . .” The Department is also proposing to change the second sentence of the regulation text that currently says “Non-Material Changes do not affect. . .” to instead say “A Non-Material Change does not affect. . .” These proposed changes do not alter the meaning of Non-Material Change.

Finally, the Department is proposing to add new text to the second sentence of subsection (a)(8) to better conform this subsection with existing regulation text in

subsection (a)(4) (the definition of APL), subsection (a)(10) (the definition of WAFL), and section 82025, subsection (a)(2) and its subparts (provisions covering situations in which Brand Specific Food products may be submitted for inclusion in the APL). Overall, since all authorized food products available for redemption must be included in the Department's APL, the Department is proposing to amend the second sentence of subsection (a)(8) to say: "A Non-Material Change does not affect authorization of a food product, but to be available for redemption by participants, the food product must be included in the Department's APL by UPC or PLU."

(a)(10) The Department is proposing to update the definition of "WIC Authorized Food List" to remove the current regulation text that says: "Under an EBT food instrument system, the WAFL is the compilation of foods meeting the authorization criteria listed in sections 82050-83000. . ." This change is for clarity and simplicity since the Department fully transitioned to an EBT food instrument system in 2020. The Department is also proposing to remove the word "that" and add the word "and" before the current regulation text that says "are included in the APL." Altogether, with the Department's proposed changes, subsection (a)(10) would say: "The WIC Authorized Food List or WAFL is the compilation of foods that meet the authorization criteria listed in sections 82050 through 83000 and are included in the APL."

Proposed Amendments: 82025 WIC Authorized Food List Authorized Product List Submissions.

(a) ~~Under an EBT food instrument system,~~ To be authorized, both Brand Specific Food products and Any Brand Food products must meet the Department's authorization criteria listed in sections 82050 through 83000 and be ~~listed~~ included in the Department's APL 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 for the applicable CDPH Food Category or CDPH Food Subcategory may be submitted for inclusion in the APL at any time.

(2) Except as set forth in this subsection, a Brand Specific Food product~~s~~ will be added to the APL only when the Department adopts or amends regulations ~~relating to the Brand Specific~~ in this article for the applicable CDPH Food Category or CDPH Food Subcategory. ~~, h~~However, ~~products for currently authorized~~ a Brand Specific Food~~s~~ product may be submitted for inclusion in the APL at any time if:

(A) A food manufacturer introduces a new UPC for a~~n~~ currently authorized Brand Specific Food product, including a new UPC~~s~~ resulting from a Non-M~~m~~aterial Change~~s~~ to the product;

(B) A food manufacturer introduces ~~UPCs for~~ a new size~~s~~ ~~of products that are~~ for a currently authorized Brand Specific Food product if the product is authorized by Brand and product name and the new size for the product falls within ~~when a~~ the range of sizes that ~~are~~ is currently authorized ~~in a~~ for the CDPH Food Category or CDPH Food Subcategory; or

(C)~~(B)~~ A food manufacturer introduces a new product that meets current authorization criteria in a CDPH Food Category or CDPH Food Subcategory in which products are authorized only by Brand, not by Brand and product name.

(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 ~~C~~company ~~N~~name;
3. Submitting ~~C~~company ~~C~~contact ~~I~~information;
4. UPC;
5. Brand ~~N~~name;
6. Product ~~N~~name;
7. Product ~~S~~size;
8. Applicable product characteristics, ~~e.g.;~~ such as container type, ~~noting~~ the presence of sweeteners, fat-level, pasteurization-status, etc.

(B) Submissions for Brand Specific Food products must be made by a food manufacturer's employee or agent and include true and accurate information about the food product's nutritional content and ingredients.

(C)~~(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 (30) 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~~ if the Department determines:

(A) ~~they are~~ The product has been discontinued; ~~or~~

(B) ~~if after a review of the product, the Department determines that t~~The product no longer meets federal ~~and/~~or state food authorization criteria; or~~.~~

(C) The information submitted to the Department about a Brand Specific Food product included false or inaccurate information and the false or inaccurate information was material to the Department's decision to authorize the Brand Specific Food product. ~~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 to request ~~requesting~~ the addition of IFPS PLUs if an IFPS PLU is not included in the APL.

Authority

Federal:
7 C.F.R. § 246.3(b) (2025)

7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

7 C.F.R. § 246.12(a) (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Operating Rules Women, Infants and Children (WIC) Electronic Benefit Transfer (EBT) Version 3.0* (2024), p. 38.

United States Department of Agriculture, Food and Nutrition Service, *Informational Memorandum: Use of Manufacturer-Provided Nutrition Information to Determine WIC Food Item Eligibility* (Dec. 3, 2020), p. 2.

United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p. 12.

State:
Health & Saf. Code, § 123280, subd. (c)

Health & Saf. Code, § 123290, subd. (d)

Statement of Reasons

82025(a) The Department is proposing to remove current regulation text that says "Under an EBT food instrument system." This is because the Department fully transitioned to an EBT food instrument system in 2020 and it is therefore no longer necessary to distinguish between the paper food instrument system and EBT food instrument system.

For consistency with existing regulation text in current subsections (a)(1) and (a)(2), the Department is proposing to amend subsection (a) to refer to "Brand Specific Food **products** and Any Brand Food **products**." (Emphasis added). For clarity, and to better conform subsection (a) with existing regulation text in section 82000, subsections (a)(4) and (a)(10), which define the APL and WAFL, respectively, the Department is proposing to add the phrase "To be authorized," to the beginning of this subsection and to add the phrase "meet the Department's authorization criteria listed in sections 82050 through 83000" after the word "must." For consistency with other regulation text, the Department is also proposing to change the phrase "be listed by UPC or PLU in the Department's APL for authorization" to instead say "be included in the Department's APL by UPC or PLU," and to add the word "and" before "be." Taken together, with the Department's proposed changes, subsection (a) would say: "To be authorized, both Brand Specific Food products and Any Brand Food products must meet the Department's authorization criteria listed in sections 82050 through 83000 and be included in the Department's APL by UPC or PLU." These proposed changes are for clarity, consistency, and ease of reading, but do not alter the substantive meaning or effect of the regulation text.

(a)(1) For clarity, and for consistency with existing regulation text in section 82000 that discusses authorization criteria for a CDPH Food Category or CDPH Food Subcategory (see, e.g., W.B.R. § 82000(a)(1)(B)1., (a)(4)(B)2.), the Department is proposing to change the phrase "meet the W.B.R. Food Category authorization criteria" to instead say "meet the authorization criteria for the applicable CDPH Food Category or CDPH Food Subcategory." These proposed changes do not alter the substantive meaning or effect of the regulation text.

(a)(2) The Department is proposing to add the phrase "Except as set forth in this subsection," to beginning of the first sentence of subsection (a)(2). This proposed change is to clarify that subsection (a)(2)'s subparts—currently, subsections (a)(2)(A) and (a)(2)(B)—list exceptions to the general rule described in subsection (a)(2). While subsection (a)(2) states that Brand Specific Food products will only be added to the APL when the Department adopts or amends relevant regulations, subsection (a)(2)'s subparts identify the situations in which Brand Specific Food products may be submitted for inclusion in the APL even though the Department is not adopting or amending regulations.

To conform with proposed changes to section 82000, subsection (a)(4), which would define Brand Specific Food in the singular instead of the plural, the Department is proposing to change the phrase "Brand Specific Food products will be added. . ." to instead say "A Brand Specific Food product will be added. . ." For clarity, and to conform with other proposed changes, the Department is proposing to change the phrase "regulations relating to the Brand Specific Food Category or Subcategory. . ." to instead say "regulations in this article for the applicable CDPH Food Category or CDPH Food Subcategory," followed by a period.

The Department is proposing to divide the current first sentence of subsection (a)(2) into two sentences for clarity and ease of reading. As indicated above, the first sentence

would end with the words “CDPH Food Subcategory” followed by a period. The second sentence would then begin with the word “However,” capitalized.

The Department is proposing to amend existing text that says “products for currently-authorized Brand Specific Foods may be submitted for inclusion in the APL. . .” to instead say “a Brand Specific Food product may be submitted for inclusion in the APL. . .” These proposed changes are for consistency with other proposed changes to the regulation text in Article 5, including to define terms in section 82000 in the singular, to refer to food “products” when discussing a unique food product rather than a broader categorization like the CDPH Food Category for the food product, and to amend subsection (a)(2)’s subparts in the manner described immediately below.

(a)(2)(A) The Department is proposing to divide current subsection (a)(2)(A) into proposed subsections (a)(2)(A) and (a)(2)(B). The purpose of this proposed change is to more clearly distinguish between the three different situations in which a Brand Specific Food product may be submitted for inclusion in the APL even though the Department is not adopting or amending regulations for the applicable CDPH Food Category or CDPH Food Subcategory. Put another way, these are the situations in which a Brand Specific Food product may be submitted for inclusion in the APL at any time.

For consistency with other current regulation text using defined terms in the singular, the Department is proposing to change the phrase “new UPCs” to “a new UPC” and change “Non-Material Changes” to “a Non-Material Change.” For clarity, and for consistency with other proposed changes to refer to the “product” when discussing a unique food product, the Department is proposing to change the phrase “an authorized Brand Specific Food” to “a currently authorized Brand Specific Food product” and to add the phrase “to the product” after “a Non-Material change.” Taken together, as indicated in the proposed regulation text, new subsection (a)(2)(A) would allow for the submission of a Brand Specific Food product at any time if the “food manufacturer introduces a new UPC for a currently authorized Brand Specific Food product, including a new UPC resulting from a Non-Material Change to the product.” If, for example, the manufacturer introduced a new UPC for its currently authorized food product due to a Non-Material Change such as a change to the product name or product flavor name, new subsection (a)(2)(A) would allow for the submission of the product for inclusion in the APL at any time. These proposed changes are intended to clarify the standards that apply to this scenario but do not alter the substantive meaning or effect of the regulation text.

(a)(2)(B) The Department is proposing to add proposed subsection (a)(2)(B) for the second scenario that is covered by current subsection (a)(2)(A).

In redesignated subsection (a)(2)(B), the Department is proposing to amend current regulation text that discusses the introduction of “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” so the regulation text explicitly covers a situation in which the “food manufacturer introduces a new size for a currently authorized Brand

Specific Food product and the new size for the product falls within the range of sizes that is currently authorized for the CDPH Food Category or CDPH Food Subcategory." In addition to conforming with other proposed changes to sections 82000 and 82025, including uses of the singular when referring to "size" and "product," these proposed changes will help ensure that the regulation text more clearly reflects the Department's intent, which is that the new size must be for a currently authorized Brand Specific Food product and must fall within the range of sizes currently authorized by the Department. (See Regulatory Alert 2018-01, Attachment 1, p. 10 ("For example, any plain Cheerios in a 12 to 36 ounce box is authorized in the [Breakfast Cereal Category]. If the food manufacturer introduces a new size of plain Cheerios that falls into the authorized size range, such as 24 ounce, the new size may be submitted for inclusion in the APL at any time.").) These proposed changes are intended to clarify the standards that apply to this scenario but do not alter the substantive meaning or effect of the regulation text.

(a)(2)(C) As indicated in both the current and proposed regulation text for subsection (a)(4), a Brand Specific Food product may be authorized by Brand only or by Brand and product name. In redesignated subsection (a)(2)(C), the Department is proposing to add a comma, followed by the phrase "not by Brand and product name" to the end of the subsection. This proposed change is for clarity so stakeholders understand that a Brand Specific Food product may be submitted for inclusion in the APL at any time if it is a new product that "meets current authorization criteria in a CDPH Food Category or CDPH Food Subcategory in which products are authorized only by Brand, not by Brand and product name," such as the Infant Fruits and Vegetables Category. (W.B.R. § 82650(a)(2).) These proposed changes will not alter the substantive meaning or effect of the regulation text.

(a)(3)(A)2.-(a)(3)(A)3. To better distinguish between terms that are defined in section 82000 versus undefined words or phrases, the Department is proposing to use lower case lettering for all but the first letter of the first word of subsections (a)(3)(A)2. and (a)(3)(A)3. With these changes, subsection (a)(3)(A)2. would say "Submitting company name" and subsection (a)(3)(A)3. would say "Submitting company contact information." These proposed changes will not alter the substantive meaning or effect of the regulation text.

(a)(3)(A)5.-(a)(2)(A)7. Similar to the above, to better distinguish between terms that are defined in section 82000 versus undefined words or phrases, the Department is proposing to use lower case lettering for all but the first letter of the first word of subsections (a)(3)(A)5. through (a)(3)(A)7. With these changes, subsection (a)(3)(A)5. would say "Brand name," subsection (a)(3)(A)6. would say "Product name," and subsection (a)(3)(A)7. would say "Product size." These proposed changes will not alter the substantive meaning or effect of the regulation text.

(a)(3)(A)8. For clarity and to facilitate understanding, the Department is proposing to change the phrase "e.g., container type" to use the more reader-friendly phrase "such as container type." The Department is also proposing to remove the word "noting" that appears before "the presence of sweeteners" for clarity and consistency with the

surrounding regulation text. These proposed changes will not alter the substantive meaning or effect of the regulation text.

(a)(3)(B) The Department is proposing to add new regulation text in subsection (a)(3)(B) that would require that submissions for Brand Specific Food products (1) be made by the food manufacturer's employee or agent and (2) "include true and accurate information about the food product's nutritional content and ingredients."

In December 2020, USDA recommended that WIC State agencies use nutrition information provided by the manufacturer to determine product eligibility. (U.S. Dept. of Agr., Food & Nutrition Service, *Informational Memorandum: Use of Manufacturer-Provided Nutrition Information to Determine WIC Food Item Eligibility* (Dec. 3, 2020), p. 2 [as of Dec. 10, 2025].) USDA noted that although "the use of Nutrition Facts Label information is allowable, recent changes in Labeling are intended to guide the consumers' food selections and may not accurately enable the determination of the minimum requirements and specifications of WIC-eligible products." (*Id.*) The new requirements in proposed subsection (a)(3)(B) will help ensure that the Department is obtaining information about the Brand Specific Food product's nutritional content and ingredients from the manufacturer's employees or agents, i.e., individuals who work for the manufacturer and are well positioned to ensure that the information submitted is true and accurate. The Department is proposing to apply this requirement to Brand Specific Food products because these foods are more likely to be subject to complicated federal and state authorization criteria and the Department may need to seek additional information from the manufacturer in order to determine whether the product's nutritional content and ingredients meet federal and state requirements.

This requirement will also help reduce the likelihood that more than one individual or entity attempts to submit product information for the same Brand Specific Food product since the provision limits which kinds of stakeholders may submit such information in the first place.

As set forth in the proposed regulation text for new subsection (a)(5)(C), and for the reasons explained in the Statement of Reasons for that subsection, the Department is proposing that if the information submitted for the Brand Specific Food product included false or inaccurate information that was material to the Department's decision to authorize the product, the product would be removed from the APL.

(a)(5)-(a)(5)(C) For clarity, and to facilitate stakeholder understanding, the Department is proposing to restructure current subsection (a)(5) and its subparts, which cover the situations in which the Department will remove products from the APL. As demonstrated by the proposed addition of the phrase, "if the Department determines. . .", one purpose of these proposed changes is to clarify that the removal of a product shall be based on the Department's determination that removal is appropriate under the applicable subsection. Except for the addition of proposed subsection (a)(5)(C), which is a brand-new provision, these proposed changes would not alter the substantive meaning or effect of the regulation text.

As set forth in the proposed regulation text for subsections (a)(5) and (a)(5)(A), “The Department shall remove products from the APL if the Department determines. . . [t]he product has been discontinued. . . .” As set forth in the proposed regulation text for subsections (a)(5) and (a)(5)(B), “The Department shall remove products from the APL if the Department determines. . . [t]he product no longer meets federal or state food authorization criteria.” These proposed changes are for clarity, as well as for consistency with the Department’s other proposed amendments, and will not alter the substantive meaning or effect of the regulation text.

As set forth in the proposed regulation text for subsections (a)(5) and (a)(5)(C), the Department is proposing to “remove products from the APL if the Department determines. . . [t]he information submitted to the Department about a Brand Specific Food product included false or inaccurate information and the false or inaccurate information was material to the Department’s decision to authorize the Brand Specific Food product.” Under this new provision, if the information submitted by the manufacturer’s employee or agent (see W.B.R. § 82025, proposed (a)(3)(B)) included false or inaccurate information about the Brand Specific Food product and the false or inaccurate information was material to the Department’s decision about whether to authorize the product, the Department would remove the product from the APL. Importantly, this provision would not apply if the product submission included an inconsequential typographical or other clerical error that did not affect the Department’s decision to authorize the product. However, if the Department determined that the error, inaccuracy, or misrepresentation was “material” in that it affected the Department’s authorization decision—for example, because the inaccuracy led the Department to (incorrectly) conclude that the product was eligible for authorization—the Department would remove the product from the APL.

Proposed Amendments: 82100 WIC Authorized Food List Breakfast Cereal.

(a) Breakfast Cereal Category

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

~~(A) B & G Foods — Cream of Wheat Whole Grain;[1]~~

~~(B) General Mills — Cheerios;[1]~~

~~(C) General Mills — MultiGrain Cheerios;[1]~~

~~(D) General Mills — Honey Kix;[1]~~

~~(E) General Mills — Kix;[1]~~

~~(F) General Mills — Total Whole Grain;[1]~~

~~(G) Kellogg’s — Corn Flakes;~~

~~(H) Kellogg’s — Frosted Mini Wheats Original;[1]~~

~~(I) Kellogg’s — Frosted Mini Wheats Little Bites;[1]~~

~~(J) Kellogg's — Special K Original;~~

~~(K) Malt-O-Meal — Malt-O-Meal Hot Cereal Original;~~

~~(L) Post — Grape-Nuts;[1]~~

~~(M) Post — Honey Bunches of Oats Honey Roasted;~~

~~(N) Quaker — Life Original;[1]~~

~~(P) Quaker — Oatmeal Squares Brown Sugar;[1] and~~

~~(O) Quaker — Oatmeal Squares Cinnamon.[1]~~

(A) B & G Foods

1. Cream of Wheat Whole Grain[1]

(B) General Mills

1. Blueberry Chex[1]
2. Bluey[1]
3. Cheerios[1]
4. Cheerios Veggie Blends Apple Strawberry [1]
5. Cheerios Veggie Blends Blueberry Banana[1]
6. Cinnamon Chex[1]
7. Corn Chex[1]
8. Kix[1]
9. Maple Cinnamon Cheerios Hearty Nut Medley[1]
10. Mott's Apple Cinnamon[1]
11. Mott's Very Berry[1]
12. Multi Grain Cheerios[1]
13. Rice Chex[1]
14. Total[1]
15. Wheat Chex[1]
16. Wheaties[1]

(C) Grain Berry

1. Apple Cinnamon Toasted Oats[1]
2. Cinnamon Frosted Shredded Wheat[1]
3. Multi-Bran Flakes[1]
4. Original Toasted Oats[1]

(D) Kellogg's

1. Corn Flakes
2. Frosted Mini-Wheats Original[1]
3. Frosted Mini-Wheats Little Bites Original[1]
4. Special K Original
5. Special K Protein Original Touch of Cinnamon[1]
6. Raisin Bran[1]

(E) Malt-O-Meal

1. Crispy Rice
2. Frosted Mini Spooners[1]
3. Malt-O-Meal Hot Cereal Original

(F) Mom's Best

1. Blueberry Wheatfuls[1]

(G) Post

1. Bran Flakes[1]
2. Grape-Nuts[1]
3. Grape-Nuts Flakes[1]
4. Great Grains Banana Nut Crunch[1]
5. Great Grains Crunchy Pecan[1]
6. Great Grains Raisins, Dates & Pecans[1]
7. Honey Bunches of Oats Honey Roasted
8. Raisin Bran[1]

(H) Quaker

1. Life Original[1]
2. Mighty Life Strawberry Blueberry Bliss[1]
3. Oatmeal Squares Brown Sugar[1]
4. Oatmeal Squares Honey Nut[1]

(2) The following private label or store brand berry corn puffs breakfast cereals are authorized by Brand in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:

(A) MIJA[1]

(3) The following private label or store brand corn puffs breakfast cereals are authorized by Brand in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:

(A) Early On[1]

(B) MIJA[1]

(4)~~(2)~~ The following private label or store brand crisp rice or crispy rice breakfast cereals are authorized by ~~b~~Brand in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:

(A) Best Yet~~;~~

(B) Early On

(C)~~(B)~~ First Street~~;~~

(D)~~(C)~~ Food Club~~;~~

(E)~~(D)~~ Great Value~~;~~

(F)~~(E)~~ Hospitality~~;~~

~~(F) HY-TOP;~~

(G) Hy-Vee~~;~~

(H) IGA~~;~~

~~(I) Kiggins;~~

(I)~~(J)~~ Kroger~~;~~

~~(K) Malt-O-Meal;~~

~~(L) Market Pantry;~~

~~(M) Mill Select Early On;1~~

~~(N) Parade;~~

(J)~~(O)~~ Raley's~~;~~

~~(P) Ralston Foods;~~

(K)~~(Q)~~ Red & White~~;~~

~~(R) Shurfine;~~

(L)~~(S)~~ Signature Select~~;~~

~~(T) Springfield;~~

~~(U) Stater Bros.;~~

(M)~~(V)~~ Sunny Select~~;~~

~~(W) Valu Time;~~

~~(X) Western Family; and~~

(N)~~(Y)~~ WinCo Foods~~.~~

(5) The following private label or store brand frosted shredded wheat 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 (Bite Size)[1]

(B) Essential Everyday (Bite Size)[1]

(C) First Street (Bite Size)[1]

(D) Food Club (Bite Size)[1]

(E) Freedom's Choice[1]

(F) Great Value (Bite Size)[1]

(G) Raley's (Bite Size)[1]

(H) Sunny Select (Bite Size)[1]

(6) The following private label or store brand honey oat flakes breakfast cereals are authorized by Brand in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:

(A) MIJA[1]

(B) MIJA (with Almonds)[1]

(7)~~(3)~~ The following instant oatmeals in old-fashioned, classic, regular, or original flavors are authorized by ~~b~~Brand in eleven and eight-tenths (11.8) ounce to twelve (12) ounce containers of individual serving packets in the Breakfast Cereal Category:

(A) Best Yet~~;~~[1]

(B) Early On~~;~~[1]

(C) First Street~~;~~[1]

(D) Food Club~~;~~[1]

(E) Great Value~~;~~[1]

~~(F) Hy-Vee;[1]~~

(F)~~(G)~~ Kroger~~;~~[1]

~~(H) Raley's;[1]~~

~~(I) Ralston Foods;[1]~~

~~(J) Red & White;[1]~~

~~(K) Shurfine;[1]~~

(G)~~(L)~~ Signature Select~~;~~[1]

~~(M) Special Value;[1]~~

~~(N) Springfield;[1]~~

(H)~~(O)~~ Stater Bros.~~;~~[1]

(I)~~(P)~~ Sunny Select~~;~~[1]

~~(Q) Western Family;[1] and~~

(J)~~(R)~~ WinCo Foods~~.~~[1]

(8) The following private label or store brand multigrain toasted oats breakfast cereals are authorized by Brand in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:

(A) Early On[1]

(B) MIJA[1]

(9) The following private label or store brand toasted oats 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[1]

(B) Essential Everyday[1]

(C) First Street[1]

(D) Food Club[1]

(E) Freedom's Choice[1]

(F) Great Value[1]

(G) Raley's[1]

(H) Signature Select[1]

(I) Sunny Select[1]

(10) The following private label or store brand wheat flakes, bran flakes, or wheat and bran flakes 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[1]

(B) Essential Everyday[1]

(C) First Street[1]

(D) Food Club[1]

(E) Freedom's Choice[1]

(F) Great Value[1]

(G) Raley's[1]

(H) WinCo Foods[1]

(11)~~(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~~ or nuts;

(C) Hot breakfast cereal with added ~~sweeteners, including~~ sugar~~, artificial sweeteners, reduced-calorie sweeteners, or no-calorie sweeteners~~; ~~and~~

(D) Breakfast cereal with artificial sweeteners, reduced-calorie sweeteners, or no-calorie sweeteners;

(E) Breakfast cereal with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(F) Breakfast cereal with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73; and

(G)~~(D)~~ Organic breakfast cereal.

[1]This cereal contains ~~51% or more whole grain by weight~~ whole grain as the first ingredient.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1)-(a)(10) The Department is proposing to restructure and amend the existing lists of authorized breakfast cereals in section 82100, including by adding and removing cereals from the list of authorized products. With the Department's proposed changes, authorized breakfast cereals would appear in proposed subsections (a)(1) through (a)(10) and their respective subparts.

As part of the Final Rule, USDA redefined the criteria for what is considered a "whole grain breakfast cereal." Previously, USDA classified cereals as whole grain breakfast cereals if they (1) had whole grain as the primary ingredient by weight and (2) met the U.S. Food and Drug Administration (FDA) labeling requirements for making a health claim as a "whole grain food with moderate fat content." (7 C.F.R. § 246.10(e)(12), table 4 (Mar. 2024).) Now, federal regulation defines WIC-eligible whole grain breakfast cereals as breakfast cereals that contain a "whole grain as the first

ingredient." (7 C.F.R. § 246.10(e)(12), table 4 (2025).) To reflect this change in what constitutes a whole grain breakfast cereal, the Department is proposing to change the text in section 82100, footnote 1, from "This cereal contains 51% or more whole grain by weight" to instead say "This cereal contains whole grain as the first ingredient." Federal regulation requires that 75 percent of breakfast cereals authorized by a State agency meet this criterion. (*Id*.)

Additionally, USDA updated the allowable limits on sucrose and other sugars in breakfast cereal. Previously, federal regulation limited the **total** sugar in breakfast cereal to no more than 21.2 grams of sucrose and other sugars for each 100 grams of dry cereal, which is no more than 6 grams of sugar for each ounce of dry cereal. (7 C.F.R. § 246.10(e)(12), table 4 (Mar. 2024).) Now, federal regulation limits **added** sugar in breakfast cereal to no more than 21.2 grams of added sugar for each 100 grams of dry cereal, which is no more than 6 grams of added sugar for each ounce of dry cereal. (7 C.F.R. § 246.10(e)(12), table 4 (2025).)

The Department held an RFI for whole grain breakfast cereals in summer 2025. This RFI was intended to (1) confirm that currently authorized breakfast cereal products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82100) and (2) solicit information on additional products that contain a whole grain as the first ingredient.

The Department chose to exclusively solicit submissions for new varieties and flavors of breakfast cereals with a whole grain as the first ingredient for two reasons. The first reason was to ensure compliance with USDA's new requirement that "seventy five percent of cereals on the State agency authorized food list. . . contain whole grain as the first ingredient." (7 C.F.R. § 246.10(e)(12), table 4.) The second reason was to better align the WIC Authorized Food List with the Department's nutrition education goals for increasing participants' whole grain consumption. (Cal. Dept. Public Health, *Eat More Whole Grains!* (Apr. 2024) <https://docs.wic.ca.gov/Flyers/Ed/Whole-Grains.pdf> [as of Dec. 9, 2025].)

Whole grains provide fiber, vitamins, minerals and other nutrients lost in the refining process and help control cholesterol levels, weight, and blood pressure. (McRae, *Health Benefits of Dietary Whole Grains: An Umbrella Review of Meta-analyses* (Nov. 18, 2016) <https://pmc.ncbi.nlm.nih.gov/articles/PMC5310957/> [as of Dec. 10, 2025].) Whole grains also help lower the risk of diabetes, cardiovascular disease, and some cancers. (*Id*.) According to the DGA, "[h]ealthy dietary patterns include whole grains and . . . [a]t least half of total grains should be whole grains." (U.S. Dept. of Agr. & U.S. Dept. of Health & Human Services, *Dietary Guidelines for Americans, 2020-2025* (9th Ed. 2020), p. 32 <https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf> [as of Dec. 9, 2025].) In addition, the DGA notes that even though most Americans meet recommendations for grain intake, "98 percent fall below recommendations for whole grains." (*Ibid*.) Moreover:

> Shifting from refined to whole-grain versions of commonly consumed foods . . . would increase whole-grain intakes and lower refined grain intakes to help meet recommendations. Additionally, shifting to more nutrient dense forms of grains, such as ready-to-eat breakfast cereals with less sugar, will help meet healthy dietary patterns.

(*Ibid.)* For young children, offering "whole grains more often than refined grains will increase dietary fiber as well as potassium intake during the second year of life and help young children establish healthy dietary practices" *(Id*. at p. 60).

For these reasons, the Department is prioritizing the authorization of breakfast cereal products with whole grain as the first ingredient. This approach will help the Department meet USDA's requirement that 75 percent of authorized cereals contain whole grain as the first ingredient (see 7 C.F.R. § 246.10(e)(12), table 4), as well as support the Department's goals of increasing the number of whole grain options available to participants and thereby encouraging whole grain intake and improving health outcomes.

In light of the expansion of whole grain breakfast cereal options, the Department considered how to provide participants with additional, palatable options that further the nutrition goals of the program. In past rulemaking, USDA has noted that "WIC-eligible breakfast cereals are the major source of iron in the WIC food packages for children and women and research shows that participation in WIC has a positive impact on the iron status of its participants." (72 Fed.Reg. 68966, 68975 (Dec. 6, 2007).) At the time of the rulemaking, USDA received stakeholder feedback expressing concern that "whole grain cereals are less palatable to young children." (*Id*. at 68975, 69002.) Importantly, data collected from the United States and other countries have shown that one of the "main methods to facilitate [whole grain] consumption in all age groups" is to improve the foods' "sensory appeal," as well as their "taste, texture and appearance." (Meynier et al., *Main Factors Influencing Whole Grain Consumption in Children and Adults – A Narrative Review* (July 25, 2020) <https://pmc.ncbi.nlm.nih.gov/articles/PMC7468875/> [as of Dec. 10, 2025].) Federal regulations provide minimum standards State agencies must meet when authorizing supplemental foods while generally allowing State agencies to establish additional criteria. (See 7 C.F.R. § 246.10(b)(1)(i), (e)(12), table 4.) To help provide additional options that participants consider palatable, the Department is proposing to authorize cold whole grain breakfast cereals that (1) include dried fruits, nuts, or seeds, or (2) are flavored using natural fruit or vegetable flavorings.

The Department is proposing to authorize cold whole grain breakfast cereals with dried fruit because dried fruits are already an authorized option for participants who receive the Fruits and Vegetables benefit. By proposing to authorize cold whole grain breakfast cereals with dried fruits, the Department intends to offer new cereal options which may help increase participant intake of whole grains, particularly by those participants who prefer the added flavor of dried fruits.

The Department is also proposing to authorize cold whole grain breakfast cereals with nuts and seeds that meet federal requirements for breakfast cereal. By proposing to authorize cold whole grain breakfast cereals that include nuts or seeds, the Department intends to offer new cereal options which may help increase participant intake of whole grains, particularly by those participants who prefer the added flavor of nuts and seeds.

In addition, the Department is proposing to authorize cold whole grain breakfast cereals with natural flavorings that are derived directly from fruits, vegetables, or both. Fruits and vegetables are core elements of a healthy dietary pattern (U.S. Dept. of Agr. & U.S. Dept. of Health & Human Services, *Dietary Guidelines for Americans, 2020-2025* (9th Ed. 2020), pp. ix, 23 <https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf> [as of Dec. 9, 2025]), and **natural** fruit and vegetable flavorings are derived from foods that are already authorized in other CDPH Food Categories such as the Juice Category and the Fruits and Vegetables Category. Unlike **artificial** flavorings, which the Department is proposing to prohibit (see W.B.R. § 82100, proposed (a)(11)(E)), natural fruit or vegetable flavorings are derived from sources that children (and adults) will already be receiving from other WIC authorized foods and that are part of a healthy dietary pattern.

Although the Department is proposing to authorize new options for cold whole grain breakfast cereal that include dried fruit, nuts, or seeds, or natural flavorings derived from fruits and vegetables, the Department does not intend to authorize flavors of breakfast cereals commonly associated with desserts.

Flavor affects eating choices and overall health by influencing nutritional intake. (Hossain et. al, *Flavors and Well-Being: A Comprehensive Review of Food Choices, Nutrition, and Health Interactions* (May 16, 2025) <https://pmc.ncbi.nlm.nih.gov/articles/PMC12082435/> [as of Dec. 9, 2025).) Studies have indicated that flavor perception and preferences impact dietary choices and nutrient intake, which, in turn, affects overall diet quality and health. (*Id.*)

The flavor senses of taste and smell are well developed at birth and continue to develop throughout childhood. (Cosmi et al., *Early Taste Experiences and Later Food Choices* (Feb. 4, 2017) <https://pmc.ncbi.nlm.nih.gov/articles/PMC5331538/> (as of Dec. 9, 2025). A child's flavor preferences can be "modified early through repeated exposure to flavors in amniotic fluid, mother's milk, and solid foods during complementary feeding." (*Id*.) Children are predisposed to prefer sugar and salt, but continual exposure to other flavors like fruits and vegetables can affect the child's choices positively as they age. (*Id*.) Overall, flavor choice can affect a child prenatally through childhood and adolescence, highlighting the importance of healthier food choices and flavors for mothers, infants, and children. (U.S. Dept. of Agr. & U.S. Dept. of Health & Human Services, *Dietary Guidelines for Americans, 2020-2025* (9th Ed. 2020), p. 6 <https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf> [as of Dec. 9, 2025] ["Because early food preferences influence later food choices, establishing a healthy dietary pattern early in life may have a beneficial impact on health promotion and disease

prevention over the course of decades."].) In the United States, for individuals over the age of 1, desserts and sweetened snacks comprise approximately 19 percent of the average intakes of added sugars. (*Id.* at p. 43, Figure 1-10.) While cereals with dessert flavors may be palatable, the Department is proposing to authorize the other cereal options described above but not dessert-flavored options in order to provide palatable whole grain options for participants without contributing to the establishment of preferences for foods typically associated with added sugars.

In proposed subsection (a)(11)(E), the Department is proposing to prohibit the authorization of breakfast cereals that include artificial flavoring, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to prohibit the authorization of breakfast cereals that contain artificial flavorings in order to align with the nutrition goals of the program and the American Academy of Pediatrics' (AAP) policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

The Department is also proposing to exclude all cereals that contain synthetic petroleum-based dyes. (See W.B.R. § 82100, proposed (a)(11)(F).) In June 2025, the Administrator of USDA's Food and Nutrition Service requested that the WIC State agencies "review the foods on your WIC food lists and eliminate or reduce foods that contain artificial food colors, particularly petroleum-based synthetic dyes." (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> [as of Dec. 10, 2025].) The Department's proposal not to authorize cereals with synthetic petroleum-based dyes aligns with USDA's request.

As explained above and reflected below, the Department is proposing to amend section 82100 to add new whole grain breakfast cereal options that comply with federal criteria and proposed state criteria. These products are identified under "Add."

As reflected below, the Department is also proposing to remove products from section 82100 if (1) the product has been discontinued, (2) the product does not meet federal or state criteria for breakfast cereals, or (3) the Department was unable to verify the products' continued eligibility for authorization because no information was submitted as part of the RFI. These products are identified under "Remove."

Finally, the Department intends to amend proposed subsections (a)(1) through (a)(10) to make minor name changes to some authorized breakfast cereal products based on

information submitted during the RFI. These products are identified below under “Name Change(s).”

Based on the results of the RFI, the Department is proposing to amend the existing lists of authorized breakfast cereals as specified below.

Subsection (a)(1), Non-Private Label/Non-Store Brand Breakfast Cereals

Add (Whole Grain):

- General Mills — Blueberry Chex
- General Mills — Bluey
- General Mills — Cheerios Veggie Blends Apple Strawberry
- General Mills — Cheerios Veggie Blends Blueberry Banana
- General Mills — Cinnamon Chex
- General Mills — Corn Chex
- General Mills — Maple Cinnamon Cheerios Hearty Nut Medley
- General Mills — Mott’s Apple Cinnamon
- General Mills — Mott’s Very Berry
- General Mills — Rice Chex
- General Mills — Wheat Chex
- General Mills — Wheaties
- Grain Berry — Apple Cinnamon Toasted Oats
- Grain Berry — Cinnamon Frosted Shredded Wheat
- Grain Berry — Multi-Bran Flakes
- Grain Berry — Original Toasted Oats
- Kellogg’s — Special K Protein Original Touch of Cinnamon
- Kellogg’s — Raisin Bran
- Malt-O-Meal — Frosted Mini Spooners
- Mom’s Best — Blueberry Wheatfuls
- Post — Bran Flakes
- Post — Grape-Nuts Flakes
- Post — Great Grains Banana Nut Crunch

- Post — Great Grains Crunchy Pecan
- Post — Great Grains Raisins, Dates & Pecans
- Post — Raisin Bran
- Quaker — Mighty Life Strawberry Blueberry Bliss
- Quaker — Oatmeal Squares Honey Nut

Remove:

- General Mills — Honey Kix
- Quaker — Oatmeal Squares Cinnamon

Name Change(s):

- “General Mills — MultiGrain Cheerios” to “General Mills — Multi Grain Cheerios”
- “General Mills — Total Whole Grain” to “General Mills — Total”
- “Kellogg’s – Frosted Mini Wheats Original” to “Kellogg’s – Frosted Mini-Wheats Original”
- “Kellogg’s – Frosted Mini Wheats Little Bites” to “Kellogg’s – Frosted Mini-Wheats Little Bites Original”

Proposed subsection (a)(2), Private Label/Store Brand Berry Corn Puffs (Whole Grain)

Add:

- MIJA

Proposed subsection (a)(3), Private Label/Store Brand Corn Puffs (Whole Grain)

Add:

- Early On
- MIJA

Redesignated subsection (a)(4), Private Label/Store Brand Crispy Rice

Remove:

- HY-TOP
- Kiggins
- Market Pantry
- Parade

- Ralston Foods
- Shurfine
- Springfield
- Stater Bros.
- Valu Time
- Western Family

Name Change(s):

- “Mill Select Early On” to “Early On”

Proposed subsection (a)(5), Private Label/Store Brand Frosted Shredded Wheat (Whole Grain)

Add:

- Best Yet (Bite Size)
- Essential Everyday (Bite Size)
- First Street (Bite Size)
- Food Club (Bite Size)
- Freedom’s Choice
- Great Value (Bite Size)
- Raley's (Bite Size)
- Sunny Select (Bite Size)

Proposed subsection (a)(6), Private Label/Store Brand Honey Oat Flakes (Whole Grain)

Add:

- MIJA
- MIJA (with Almonds)

Redesignated Subsection (a)(7), Private Label/Store Brand Instant Oatmeals (Whole Grain)

Remove:

- Hy-Vee
- Raley’s

- Ralston Foods
- Red & White
- Shurfine
- Special Value
- Springfield
- Western Family

Proposed Subsection (a)(8), Private Label/Store Brand Multigrain Toasted Oats (Whole Grain)

Add:

- Early On
- MIJA

Proposed Subsection (a)(9), Private Label/Store Brand Toasted Oats (Whole Grain)

Add:

- Best Yet
- Essential Everyday
- First Street
- Food Club
- Freedom's Choice
- Great Value
- Raley's
- Signature Select
- Sunny Select

Proposed Subsection (a)(10), Private Label/Store Brand Wheat, Bran, or Wheat and Bran Flakes (Whole Grain)

Add:

- Best Yet
- Essential Everyday
- First Street

- Food Club
- Freedom's Choice
- Great Value
- Raley's
- WinCo Foods

(a)(11)(B) The Department is proposing to modify the prohibition on hot breakfast cereal with added fruits and nuts to change the "and" to an "or." This amendment clarifies that both hot breakfast cereal with fruit and hot breakfast cereal with nuts are prohibited.

(a)(11)(C) The Department is proposing to modify the language in this subsection's prohibition against hot breakfast cereal with added sweeteners to narrow the prohibited sweetener type to sugar. Hot cereals with added sugar are not currently authorized and will continue to be prohibited. As discussed below, the Department is proposing to move the existing prohibition against artificial sweeteners, reduced-calorie, or no-calorie sweeteners to redesignated subsection (a)(11)(D) and expand this prohibition to all breakfast cereals.

(a)(11)(D) The Department is proposing to broaden the prohibition against artificial sweeteners, reduced-calorie, or no-calorie sweeteners to **all** breakfast cereals. This would be a change from the existing prohibition in current subsection (a)(4)(C), which prohibits these sweeteners in reference to hot cereals only. The Department is proposing to prohibit artificial sweeteners for all authorized breakfast cereals, hot and cold, due to the potential health impacts caused by consumption of these substances. For example, human studies have demonstrated a significant association between the consumption of artificial sweeteners and the development of obesity, higher fasting blood glucose levels, increased hemoglobin A1c levels, and other adverse metabolic effects. (Steffen et al., *Long-term aspartame and saccharin intakes are related to greater volumes of visceral, intermuscular, and subcutaneous adipose tissue: the CARDIA study* (July 13, 2023) Internat. J. Obesity <https://www.nature.com/articles/s41366-023-01336-y> [as of Dec. 12, 2025]; Suez et al., *Artificial Sweeteners Induce Glucose Intolerance by Altering the Gut Microbiota* (Sept. 2014) Nature <https://www.researchgate.net/publication/265791239_Artificial_Sweeteners_Induce_Glucose_Intolerance_by_Altering_the_Gut_Microbiota> [as of Dec. 12, 2025].) Random controlled trials, systematic reviews, and meta-analyses have also suggested direct associations between artificial sweeteners and elevated risk of cardiovascular disease. (Chazelas et al., *Sugary Drinks, Artificially-Sweetened Beverages, and Cardiovascular Disease in the NutriNet-Santé Cohort* (Oct. 26, 2020) J. Am. College Cardiology <https://www.jacc.org/doi/10.1016/j.jacc.2020.08.075> [as of Dec. 12, 2025]; Meng et al., *Sugar- and Artificially Sweetened Beverages Consumption Linked to Type 2 Diabetes, Cardiovascular Diseases, and All-Cause Mortality: A Systematic Review and Dose-Response Meta-Analysis of Prospective Cohort Studies* (July 30, 2021) Nutrients

<https://www.mdpi.com/2072-6643/13/8/2636> [as of Dec. 12, 2025]; Yin et al., *Intake of Sugar-Sweetened and Low-Calorie Sweetened Beverages and Risk of Cardiovascular Disease: A Meta-Analysis and Systematic Review* (July 22, 2020) Advances in Nutrition <https://pmc.ncbi.nlm.nih.gov/articles/PMC7850046/> [as of Dec. 12, 2025].) Additionally, research shows the artificial sweetener aspartame has been implicated in triggering headaches and other neuropsychological symptoms such as seizures, anxiety, depression, and insomnia. (Ghusn et al., *The Impact of Artificial Sweeteners on Human Health and Cancer Association: A Comprehensive Clinical Review* (Dec. 29, 2023) Cureus <https://pmc.ncbi.nlm.nih.gov/articles/PMC10822749/> [as of Dec. 12, 2025].) Overall, this proposed change better reflects the Department's general position against the authorization of supplemental foods with artificial sweeteners.

(a)(11)(E) The Department is proposing to prohibit breakfast cereals with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22, for the reasons discussed above in the Statement of Reasons for subsections (a)(1) through (a)(10).

(a)(11)(F) The Department is proposing to prohibit breakfast cereals with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73, for the reasons discussed above in this Statement of Reasons for subsections (a)(1) through (a)(10). The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with the aforementioned request from USDA that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

(a)(11)(G) The Department is proposing to modify this subsection's prohibition against "Organic cereal" to instead say "Organic breakfast cereal." This proposed change is for clarity and consistency with other regulation text but does not substantively change the existing prohibition.

Proposed Amendments: 82150 WIC Authorized Food List Canned Fish.

(a) Canned Fish Category

(1) Chunk Light Tuna Subcategory

(A) Any ~~b~~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~~.~~; and
5. Chunk light tuna packed in anything other than water, such as sauce or flavorings.

~~(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.~~

(2)~~(3)~~ Pink Salmon Subcategory

(A) Any ~~b~~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.

(3)~~(4)~~ Sardines Subcategory

(A) Any ~~b~~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 five and one-half (5.5) or 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.

(4)~~(5)~~ The following types of canned fish products are never authorized for purchase as part of any CDPH Food ~~s~~Subcategory ~~of~~ within the Canned Fish Category:

(A) Organic canned fish;

(B) Canned fish packed in organic sauce;

(C) Canned fish packed in oil; and

(D) Fish packaged in pouches or plastic containers.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

82150 In alignment with NASEM and DGA recommendations, as well as joint advice about eating fish from the FDA and the U.S. Environmental Protection Agency, the Final Rule expanded the categories of WIC participants receiving canned fish as part of their food packages. (89 Fed.Reg. 28488, 28506-07 (Apr. 18, 2024).) Previously, canned fish was a benefit that was only included for women receiving the fully breastfeeding

package. (7 C.F.R. § 246.10(e)(7)(ii), (e)(10), table 2, (e)(11), table 3 (Mar. 2024).) However, as part of the Final Rule, USDA added canned fish to the food packages for children, as well as women who are pregnant, postpartum, and partially (mostly) breastfeeding. (89 Fed.Reg. 28488, 28492, 28506-07 (Apr. 18, 2024); 7 C.F.R. § 246.10(e)(3)(v), (e)(4)(ii), (e)(5)(ii), (e)(6)(ii), (e)(10), table 2, (e)(11), table 3 (2025).)

The Final Rule also decreased the amount of canned fish issued to participants receiving the fully breastfeeding food package from 30 to 20 ounces per month and revised WIC-eligible fish varieties based on available methylmercury data. (89 Fed.Reg. 28488, 28507, 28531 (Apr. 18. 2024).)

(a)(1)(B)5. The Department is proposing to add new regulation text stating that chunk light tuna packed in anything other than water is not authorized. This is a clarification of the existing provisions in subsections (a)(1)(A)2. and (a)(1)(A)3., which require that authorized chunk light tuna must be plain and packed in water. This proposed change clarifies, but does not substantively change, the Department's existing requirements.

~~(a)(2) (a)(2)(B)2.~~ The Department is proposing to remove canned mackerel from the WIC Authorized Food List and to repeal current subsections (a)(2) through (a)(2)(B)2., which cover requirements and prohibitions related to canned mackerel. As described below, the Department is proposing to make these changes in response to the Final Rule's prohibition on jack mackerel, the limited availability of mackerel products that are clearly labeled as Atlantic or Chub mackerel, and low participant preference for this type of fish.

In the Proposed Rule, USDA proposed "to eliminate jack mackerel as an allowable fish type for the WIC Program" due to "the lack of data on methylmercury levels in jack mackerel." (87 Fed.Reg. 71090, 71103 (Nov. 21, 2022).) The Final Rule retained and codified this provision. (89 Fed.Reg. 28488, 28507 (Apr. 18. 2024).)

When preparing for implementation of the Final Rule, the Department reviewed both its APL and the responses to the 2024 Participant Survey.

Responses to the 2024 Participant Survey indicated that mackerel was an unpopular option for WIC authorized fish. Only approximately 5 percent of respondents reported an interest in purchasing canned mackerel for either themselves or their child(ren). The Department reviewed unique redemptions of canned fish by participating families for 2024 and found that canned mackerel represented less than 1 percent of all containers of canned fish redeemed. Low levels of participant redemptions increase the probability that vendors will choose other, more popular canned fish options when making stocking choices.

Review of the canned mackerel products currently included in the Department's APL revealed that eleven out of fifteen authorized products are made from jack mackerel. Of the remaining four authorized canned mackerel products, only two clearly complied with the new federal requirements in that they identified WIC-eligible types of mackerel (Atlantic or Chub) on the label. Removing jack mackerel and ambiguously labeled

mackerel products from the APL will result in a shortage of authorized products for this CDPH Food Subcategory, making it difficult for participants to find authorized mackerel products for purchase. Since the vast majority of canned mackerel products currently included in the Department's APL are federally ineligible varieties, it is unlikely that participants will be able to easily find authorized canned mackerel products for purchase.

Due to the low preference for canned mackerel and the limited availability of products that meet the revised federal eligibility requirements, the Department is proposing to remove canned mackerel as an authorized type of fish.

(a)(3)(A)1. The Department is proposing to add 5.5 ounce cans as authorized container sizes for canned sardines.

The 2024 Participant Survey shows that sardines are a relatively popular choice with WIC participants, with approximately 24 percent of adult respondents reporting they would buy sardines for themselves, and approximately 17 percent reporting they would buy them for their child(ren). A review of unique redemptions of canned fish by participating families for 2024 showed that sardines represented approximately 14 percent of canned fish sales. Although actual redemptions are lower than the preferences reported in the 2024 Participant Survey, this difference between actual redemptions and participant preferences may be due to the limited availability of products in the currently authorized 15 ounce can size.

The Department currently authorizes canned sardines only in 15 ounce cans. Since the Final Rule added canned fish to all non-infant food packages, if the Department were to continue to authorize only a 15 ounce can size, this would unnecessarily limit which participant categories could purchase sardines. Under the Final Rule's new food packages, most participant categories issued canned fish will receive less than 15 ounces of fish per month, including the child (6 ounces), pregnant (10 ounces), and postpartum (10 ounces) participant categories. Since the MMAs for most of the food packages receiving canned fish are less than the currently-authorized 15 ounce can size, the majority of participants issued a canned fish benefit would not be able to purchase sardines unless the Department authorized a smaller container size.

The Department's 2025 Store Survey collected data on canned sardines by size and in the types currently authorized by the Department, i.e., packed in tomato sauce, mustard, or water. The survey showed 5.5 ounce cans are one of the most widely available small sizes available in California stores. Overall, the Department is proposing to authorize 5.5 ounce cans because this will allow all participants whose food packages include canned fish to purchase sardines regardless of the applicable MMA.

(a)(4)(B) The Department is proposing to modify this subsection's prohibition from "Canned fish in organic sauce" to "Canned fish packed in organic sauce." This proposed change is for consistency with other regulation text in section 82150 but does not substantively change the existing prohibition.

Proposed Amendments: 82200 WIC Authorized Food List Canned Mature Beans.

(a) Canned Mature Beans Category

(1) Any ~~b~~Brand and variety of canned mature beans, peas, or lentils ~~or mature beans~~ are authorized in the Canned Mature Beans Category when the canned mature ~~lentils or~~ ~~mature~~ beans, peas, or lentils have all of the following characteristics:

(A) Are plain or seasoned;

(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~~ types of canned mature beans, peas, or lentils ~~or mature beans~~ include but are not limited to:

(A) Black;

(B) Black-eyed peas;

(C) Fat free refried beans (any variety);

(D)~~(C)~~ Garbanzo (chickpeas);

(E)~~(D)~~ Great ~~n~~Northern;

(F)~~(E)~~ Kidney;

(G)~~(F)~~ Lentils;

(H)~~(G)~~ Lima;

(I)~~(H)~~ Mixed;

(J)~~(I)~~ Navy;

(K)~~(J)~~ Pink;

(L)~~(K)~~ Pinto; and

(M)~~(L)~~ Red.

(3) The following types of ~~lentils and~~ beans, peas, and lentils are never authorized for purchase as part of the Canned Mature Beans Category:

(A) Canned beans, peas, or lentils ~~or beans~~ with added sugars, ~~spices,~~ fats, or oils;

(B) Canned beans, peas, or lentils ~~or beans~~ with added vegetables, fruits, or meat;

(C) Canned beans, peas, or lentils ~~or beans~~ with artificial, reduced-calorie, or no-calorie sweeteners;

(D) Canned immature beans, peas, or lentils ~~beans~~ including green peas, green beans, or wax beans;

(E) Canned baked beans;

~~(F) Canned refried beans;~~

(F)~~(G)~~ ~~Flavored lentils~~ Canned beans, peas, or lentils with sauce, including but not limited to the following styles of beans, peas, or lentils: ~~such as~~ Cajun, barbeque (bbq), or ranch style ~~beans;~~, as well as canned beans, peas, or lentils with tomato puree, tomato sauce, or tomato paste;

(G)~~(H)~~ Dry or frozen beans, peas, or lentils; and

(H)~~(I)~~ Organic canned beans, peas, or lentils.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1) The Department is proposing changes to the regulation text to clarify that this existing provision applies to peas in addition to lentils and beans. The Department is also proposing to clarify that the “mature” designation applies to all three kinds of legumes. These changes are in keeping with the federal requirements for this food category, as set forth in 7 Code of Federal Regulations part 246.10(e)(12), table 4. These proposed changes clarify, but do not substantively change, the existing provision.

(a)(1)(A) The Department is proposing to authorize seasoned canned beans in addition to plain canned beans. The Department has observed that many canned beans without sauces, including refried beans, include seasonings like chili pepper, garlic powder, and onion powder. Federal regulation at 7 Code of Federal Regulations part 246.10(e)(12), table 4, prohibits beans with added sugars, fats, oils, vegetables, fruits, or meat. However, no such restrictions are included for seasonings such as spices or flavoring, i.e., ingredients that comprise a very small percentage of the product by weight, whose function in food is seasoning rather than nutritional.

This proposed amendment will allow products that contain spices and other natural seasonings to be included in the Department’s APL. A number of canned mature bean products include such seasonings, and participants and local agency staff often experience confusion about why these products are not authorized. The presence of

spices and other natural seasonings does not significantly alter the nutritional profile of the food and does not appear to affect the cost of these products.

As discussed below in the Statement of Reasons for proposed subsection (a)(2)(C), the Department is proposing to authorize fat free refried beans. The Department's proposal to authorize canned legumes with seasonings will support the proposed authorization of canned refried beans since refried bean products generally contain added seasonings. If the Department authorized refried beans **without** allowing for products with added spices or seasonings, this would restrict the number of refried beans products the Department would be able to authorize and limit options for participants.

(a)(2) The Department is proposing to change "variety" to "type" in order to clarify that authorized canned beans can include a mixture of mature beans, peas, or lentils and various preparations, such as whole or refried beans. The Department is also proposing to clarify that this provision applies to peas in addition to lentils and beans. Finally, the Department is proposing to clarify that the "mature" designation applies to all three kinds of legumes. These changes are in keeping with the requirements for mature legumes, as described in 7 Code of Federal Regulations part 246.10(e)(12), table 4. These proposed changes clarify, but do not substantively change, the existing subsection.

(a)(2)(C) Federal regulation (7 C.F.R. § 246.10(e)(12), table 4) identifies refried beans as an example of canned beans available for authorization by WIC State agencies. The Department is proposing to authorize fat free refried beans that comply with the criteria in proposed subsections (a)(1) and (a)(3) and their respective subparts.

The Department's 2025 Store Survey collected data on 15 to 16 ounce cans of (non-organic) fat free refried beans and found that this product is widely available at stores throughout California.

The Department compared price data for 15 to 16 ounce cans of non-organic fat free refried beans collected as part of the 2025 Store Survey to the Department's 2024 redemption data for currently authorized 15 to16 ounce cans of non-organic whole beans. This comparison revealed that the average cost per ounce of fat free refried beans ($0.09) is very similar to the average cost per ounce of canned whole beans ($0.10).

Based on availability and cost, the Department is proposing to authorize non-organic fat free refried beans in 15 to 16 ounce cans in the Canned Mature Beans Category. Since some canned refried bean products include a mixture of beans, the Department is proposing to include a parenthetical to clarify that any variety is authorized. Canned refried beans with added fats and oils will **not** be authorized, due to the prohibition against canned mature beans with added fats or oils in subsection (a)(3)(A), which itself reflects the prohibition in federal regulation. (7 C.F.R. § 246.10(e)(12), table 4.)

(a)(3) The Department is proposing to add "peas" to this subsection and its subparts to clarify that because canned mature peas are part of the Canned Mature Beans Category, the prohibitions in current subsections (a)(3)(A) through (a)(3)(D) and

redesignated subsections (a)(3)(F) and (a)(3)(H), apply to canned mature peas as well as beans and lentils. (See 7 C.F.R. § 246.10(e)(12), table 4.) These proposed amendments clarify, but do not substantively change, the types of products that are prohibited in the Canned Mature Beans Category.

(a)(3)(A) The Department is proposing to add "peas" to this subsection for the reasons described above in the Statement of Reasons for subsection (a)(3). In addition, the Department is proposing to repeal its existing prohibition against canned legumes with added spices for the reasons detailed above in the Statement of Reasons for subsection (a)(1)(A).

(a)(3)(B)-(a)(3)(C) The Department is proposing to add "peas" to subsections (a)(3)(B) and (a)(3)(C) to clarify that canned mature peas are part of the Canned Mature Beans Category and the prohibitions in these subsections apply to canned mature peas as well as beans and lentils. These proposed amendments clarify, but do not substantively change, the types of products that are not authorized in the Canned Mature Beans Category.

(a)(3)(D) The Department is proposing to add "lentils" to subsection (a)(3)(D) to clarify that canned lentils are part of the Canned Mature Beans Category and the prohibitions in this subsection apply to canned mature lentils as well as beans and peas. (See 7 C.F.R. § 246.10(e)(12), table 4, fn. 11.) This proposed amendment clarifies, but does not substantively change, the types of products that are not authorized in the Canned Mature Beans Category.

~~(a)(3)(F)~~ The Department is proposing to repeal the current prohibition against canned refried beans for the reasons detailed above in the Statement of Reasons for proposed subsection (a)(2)(C). Canned refried beans with added fats and oils will **not** be authorized due to the prohibition against canned mature beans with added fats or oils in subsection (a)(3)(A). (See also 7 C.F.R. § 246.10(e)(12), table 4.)

(a)(3)(F) In redesignated subsection (a)(3)(F), the Department is proposing to change the existing prohibition against "[f]lavored lentils or beans" to instead prohibit canned beans, peas, or lentils "with sauce." The Department is also proposing amendments to clarify that "sauced" products would include, but not be limited to, beans, peas, or lentils with tomato puree, tomato sauce, or tomato paste, as well as the styles that are already prohibited, such as barbeque and ranch style. The products listed in this subsection commonly include ingredients that are prohibited under federal regulation, such as added sugars, oils, or fruits or vegetables like tomato products. (See 7 C.F.R. § 246.10(e)(12), table 4.) The Department is proposing this change to avoid unnecessary confusion in light of the proposal to amend subsection (a)(1)(A) to authorize canned mature beans, peas, or lentils that are "seasoned." Since some people may consider "flavored" and "seasoned" to have the same meaning, changing the regulation text in proposed subsection (a)(3)(F) to refer to "sauce" may help alleviate potential confusion regarding which canned mature bean products are and are not authorized.

(a)(3)(H) The Department is proposing to add “peas” to this subsection to clarify that canned mature peas are part of the Canned Mature Beans Category and the prohibition against organic canned beans and lentils also applies to organic canned peas. This proposed amendment clarifies, but does not substantively change, the types of products that are not authorized in the Canned Mature Beans Category.

Proposed Amendments: 82250 WIC Authorized Food List Cheese.

(a) Cheese Category

(1) Any ~~b~~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) or thirty-two (32) ounce packages 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, ~~c~~Colby-~~j~~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 ~~C~~cheese.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1)(B) The Department is proposing to add 32 ounce packages as an authorized size in the Cheese Category.

Data from the 2025 Store Survey revealed that 32 ounce packages were widely available at many California grocery stores. Authorizing 32 ounce packages works well for women in Food Package VII who opt to receive 32 ounces of cheese instead of part of their fluid milk benefit. (See 7 C.F.R. § 246.10(e)(10), table 2, fn. 12, table 3, fn. 14.) Additionally, since other cheese MMAs for other food packages are in increments of 16 ounces (*Id.),* this size represents an appropriate option for participants who receive more than 16 ounces of cheese or households in which more than one participant receives a cheese benefit.

The Department compared price data for 32 ounce packages of cheese collected as part of the 2025 Store Survey to the Department's 2024 redemption data for 16 ounce packages of cheese. This comparison showed that the average cost per ounce of the 32 ounce package size ($0.34) is less than the average cost per ounce of the 16 ounce package size ($0.41). Authorizing the larger, 32 ounce package size could therefore potentially result in reduced food costs for the Department if participants choose to select this larger size instead of the 16 ounce packages.

Based on availability, cost, and the opportunity to provide participants with additional size options for WIC authorized cheese, the Department is proposing to add 32 ounce packages as an authorized size in the Cheese Category.

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

(a) Dry Beans, Peas, or Lentils Category

(1) Any ~~b~~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), thirty-two (32), or sixty-four (64) ounce containers.

(2) Authorized varieties of dry beans, peas, or lentils include but are not limited to:

(A) Azuki;

(B)~~(A)~~ Black;

(C)~~(B)~~ Black-eyed peas;

(D)~~(C)~~ Garbanzo (chickpeas);

(E)~~(D)~~ Great ~~n~~Northern;

(F)~~(E)~~ Kidney;

(G)~~(F)~~ Lentils;

(H)~~(G)~~ Lima;

(I)~~(H)~~ Mixed;

(J) Mung;

(K)~~(I)~~ Navy;

(L)~~(J)~~ Pink;

(M)~~(K)~~ Pinto;

(N)~~(L)~~ Red; and

(O)~~(M)~~ Split peas.

(3) The following types of beans, peas, ~~or~~ and 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) Dry beans, peas, or lentils that are immature;

(G)~~(F)~~ Soy nuts; and

(H)~~(G)~~ Dry beans, peas, or lentils that are sold in bulk and are not pre-packaged.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1) The Department is proposing to add 32 and 64 ounce containers as authorized sizes for dry beans, peas, and lentils.

The Department collected data on additional sizes of dry beans, peas, and lentils in its 2025 Store Survey. Of the additional sizes for which data was collected, 32 and 64 ounce containers were the most widely available. In all food packages that include a legume benefit, legume MMAs are in increments of 16 ounces. (7 C.F.R. § 246.10(e)(10), table 2, (e)(11), table 3.) Therefore, these sizes represent appropriate options for participants who receive more than 16 ounces of legumes or households in which more than one participant receives a legume benefit.

When evaluating cost impacts, the Department observed that these new sizes are cost-effective options. The Department compared price data collected for 32 and 64 ounce containers to the Department's 2024 redemption data for the 16 ounce containers. This comparison showed that, on average, the new sizes' average cost per ounce is less than the average cost per ounce of the 16 ounce containers. Specifically, the average cost per ounce of the 16 ounce containers was $0.15, while the average cost per ounce of the 32 ounce containers was $0.12 and the average cost per ounce of the 64 ounce containers was $0.10. Authorizing these new, larger sizes could therefore result in cost savings for the Department if participants choose to select these larger sizes instead of the 16 ounce containers.

Based on availability, cost, and the opportunity to provide participants with additional WIC authorized sizes of dry legumes, the Department is proposing to add 32 and 64 ounce containers as authorized sizes of dry beans, peas, and lentils.

(a)(2)(A), (a)(2)(J) As indicated in the proposed regulation text for redesignated subsections (a)(2)(A) and (a)(2)(J), the Department is proposing to add "Azuki" and "Mung" beans to the list of examples of authorized varieties of dry beans, peas, or lentils. As set forth in the existing regulation text in subsection (a)(1), any variety of dry beans is authorized. Since Azuki and Mung are common types of beans, the Department is proposing to add them to the list of examples to help clarify that they are authorized. These proposed changes clarify, but do not substantively change, that any variety of dry beans, peas, or lentils is authorized under section 82350.

(a)(3) The Department is proposing to modify the language in this subsection to change the "or" to an "and." This amendment clarifies that the prohibitions in subsections (a)(3)(A) through (a)(3)(H) apply equally to dry beans, peas, and lentils. This proposed change clarifies, but does not substantively change, the existing regulation text.

(a)(3)(F) The Department is proposing to add a clarifying prohibition that immature dry beans, peas, or lentils are not authorized under the Dry Beans, Peas, or Lentils Category. Federal regulations specify that benefits issued for this CDPH Food Category apply only to the **mature** form of these legumes, not immature forms. (See 7 C.F.R. § 246.10(e)(12), table 4, fn. 10.)

Proposed Repeal: ~~82450 WIC Authorized Food List Fresh Bananas.~~

~~(a) Fresh Bananas Category~~

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

~~(2) Any other type of banana is never authorized for purchase as part of the Fresh Bananas Category, including but not limited to:~~

~~(A) Plantains;~~

~~(B) Red bananas;~~

~~(C) Mini bananas; and~~

~~(D) Fingerling bananas.~~

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(9), table 1 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

The Department is proposing to repeal section 82450 and the authorization of fresh bananas as a separate CDPH Food Category. Before USDA released the Final Rule in April 2024, federal regulation permitted the substitution of fresh bananas for up to 16 ounces of infant fruits and vegetables; however, the Final Rule removed this optional substitution. (Compare 7 C.F.R. § 246.10(e)(9), table 1, fn. 10 (Mar. 2024), with 7 C.F.R. § 246.10(e)(9), table 1 (2025).) To comply with the revised federal regulations, the Department is proposing to repeal this section and remove the Fresh Bananas Category. Fresh bananas remain authorized for purchase as part of the cash-value benefit.

Proposed Amendments: 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 <u>the CDPH Food</u> ~~s~~<u>S</u>ubcategories <u>within the Fruits and Vegetables Category</u> are authorized for purchase using ~~a~~ cash<u>-</u>value ~~voucher~~ <u>benefits</u>.

(2) Fresh Fruits and Vegetables Subcategory

(A) Any type, variety, and ~~b~~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~~.~~; and
6. Fresh herbs, cut at the root or with the root intact.

(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;
2. ~~p~~Party trays with dip or other non-fruit or non-vegetable ingredients;
3. ~~f~~Fruit baskets; ~~and~~
4. ~~d~~Decorative vegetables and fruits, including but not limited to chilies or garlic on a string and painted pumpkins;
5.~~2.~~ Nuts or fruit-nut mixtures;
6.~~3.~~ Edible blossoms, such as squash blossoms;
7.~~4.~~ Bagged salad with added ingredients, such as dressing, croutons, and cheese;
8.~~5.~~ Vegetable or fruit kits with added ingredients, such as dressing, cheese, dips, or sauces;
9.~~6.~~ Dried vegetables;
10.~~7.~~ Dried ~~H~~herbs and spices, such as dried parsley, basil, cilantro, and mint;
11.~~8.~~ Fruits and vegetables with added fats, oils, or sugars; ~~and~~
12.~~9.~~ Fruits and vegetables with artificial, reduced-calorie, or no-calorie sweeteners~~.~~;
13. Seeds; and
14. Potted plants with vegetables, fruits, or herbs.

(3) Dried Fruits Subcategory

(A) Any variety, size, and ~~b~~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 are not pre-packaged.

(4) Canned Fruits Subcategory

(A) Any ~~b~~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, with or without cinnamon; 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 ~~b~~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 ~~b~~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 ~~b~~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, or oils;
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.

Authority

Federal:
7 C.F.R. § 246.2 (2025)

7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1) The Department is proposing to modify existing language in subsection (a)(1) that refers to “[a]ll authorized food items in the Fruits and Vegetables Category and subcategories” to instead refer to “[a]ll authorized food items in the Fruits and Vegetables Category and the CDPH Food Subcategories within the Fruits and Vegetables Category.” These proposed changes are for clarity and consistency with

other regulation text but do not substantively change the meaning or effect of the existing provision.

The Department is also proposing to change the existing language that refers to "using a cash-value voucher" to instead say "using cash-value benefits." This proposed change is to reflect the Department's transition to EBT in 2020. (See 7 C.F.R. § 246.2 [federal definition of cash-value voucher, which notes that a "cash-value voucher is also known as a cash-value benefit (CVB) in an EBT environment."].)

(a)(2)(A)6. In new subsection (a)(2)(A)6., the Department is proposing to add fresh herbs, either cut at the root or with the root intact, to the list of examples of types of authorized fresh fruits and vegetables. Under 7 Code of Federal Regulations part 246.10(b)(1)(i), State agencies "may not selectively choose which eligible fruits and vegetables are available to participants." Since the Final Rule codified changes to federal regulation to allow participants to purchase fresh herbs (89 Fed.Reg. 28488, 28493 (Apr. 18, 2024)), the Department is proposing to make this change to reflect the addition of fresh herbs, cut at the root or with the root intact, to the new minimum federal requirements for supplemental foods. (7 C.F.R. § 246.10(e)(12), table 4, fn. 5.)

(a)(2)(B)2. To provide additional fruit and vegetable variety and choice for participants, USDA's Final Rule codified changes to allow larger sizes of packaged fresh fruit and vegetables, commonly referred to as "party trays," that were previously prohibited. (89 Fed.Reg. 28488, 28494 (Apr. 18, 2024).) In making this change, USDA kept the existing standard that fresh fruits and vegetables "may not contain added sugars, fats, or oils," noting that these ingredients "may appear in the form of dips, sauces, or glazes." (*Id*.) As a result, in accordance with 7 Code of Federal Regulations part 246.10(b)(1)(i), the Department is proposing to amend the current prohibition on party trays to clarify that it applies **only** to party trays with dip or other non-fruit or non-vegetable ingredients.

(a)(2)(B)10. The Department is proposing to amend its current prohibition against all herbs to specify that **dried** herbs are not authorized, in accordance with federal regulation. (7 C.F.R. § 246.10(e)(12), table 4, fn. 5.) The Department is proposing this change since fresh herbs are now authorized in the Fresh Fruits and Vegetables Subcategory, as detailed above in the Statement of Reasons for proposed subsection (a)(2)(A)6.

(a)(2)(B)13. The Department is proposing to add a new subsection (a)(2)(B)13. that would include a new prohibition on seeds. In the Final Rule, USDA prohibited the authorization of seeds in the Fruits and Vegetables Category as part of its amendments to the minimum federal requirements for supplemental foods. (See 89 Fed.Reg. 28488, 28527 (Apr. 18, 2024); 7 C.F.R. § 246.12(e)(12), table 4, fn. 5.)

(a)(2)(B)14. The Department is proposing to add a new subsection (a)(2)(B)14. that would include a new prohibition on potted plants with vegetables, fruits, or herbs. In the Final Rule, USDA prohibited the authorization of potted plants with vegetables, fruits, or herbs in the Fruits and Vegetables Category as part of its amendments to the minimum

federal requirements for supplemental foods. (See 89 Fed.Reg. 28488, 28527 (Apr. 18, 2024); 7 C.F.R. § 246.12(e)(12), table 4, fn. 5.)

(a)(4)(A)2. The Department is proposing to amend its existing provision authorizing applesauce to clarify that natural or unsweetened applesauce, with or without cinnamon, is authorized in the Canned Fruits Subcategory. This amendment would codify the Department's existing practice of authorizing applesauce with cinnamon. Federal regulation requires that authorized canned fruits meet the applicable FDA standard of identity in 21 Code of Federal Regulations part 145, and prohibits canned fruits, including applesauce, that include any added sugars, fats, oils, or salt. (7 C.F.R. § 246.10(e)(12), table 4.) The FDA standard of identity for canned applesauce permits canned applesauce that contains spices. (21 C.F.R. § 145.110(a)(2)(vi).) This proposed amendment conforms with the Department's existing practice of authorizing canned applesauce with cinnamon.

(a)(7)(A)1. The Department is proposing to add oils to the list of prohibited ingredients for authorized frozen sweet potatoes or yams. Federal regulation prohibits frozen vegetables with added sugars, fats, and oils. (7 C.F.R. § 246.10(e)(12), table 4.) The Department has observed that many frozen sweet potato options contain both added sugars and oils, including frozen roasted sweet potatoes, fries, tots, and hashbrowns. While several of these products are already prohibited under other provisions of this section, such as current subsection (a)(7)(B)3., this amendment is intended to further clarify that these products are not authorized. Only frozen sweet potatoes without added sugars, syrups, and oils are authorized and can be purchased with the fruit and vegetable benefit.

Proposed Amendments: 82550 WIC Authorized Food List Infant Cereal.

(a) Infant Cereal Category

(1) The following infant cereals are authorized by ~~b~~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.~~

(A) Early On

1. Multigrain
2. Multigrain Organic
3. Oatmeal Single Grain
4. Oatmeal Single Grain Organic

(B) Earth's Best Organic

1. Whole Grain Multi-Grain

(C) Gerber

1. Gluten Free Oatmeal
2. Multigrain
3. Oatmeal
4. Organic Oatmeal

(D) MIJA

1. Organic Multi-Grain
2. Organic Oatmeal

(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~~.~~;

(C) Infant cereal with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(D) Infant cereal with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73; and

(E) Rice infant cereal.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1)(A)-(a)(1)(D)2. The Department is proposing to restructure and amend the existing list of infant cereals in subsection (a)(1) and its subparts by adding and removing products from the list of authorized products. With the Department's proposed changes, authorized infant cereals would appear in proposed subsections (a)(1)(A) through (a)(1)(D) and their respective subparts.

The Department held an RFI for infant cereals in summer 2025. The RFI was intended to (1) confirm that the currently authorized products continued to meet federal and state authorization requirements (see 7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82550) and (2) solicit additional products for authorization.

With the exception of rice infant cereal, the Department is proposing to authorize all infant cereal products submitted in response to the RFI that comply with federal and proposed state requirements for infant cereals. Infant cereal products that are not currently authorized are identified below under "Add."

The Department is proposing to exclude rice infant cereal from authorization due to the potential for elevated levels of arsenic content in rice infant cereal compared to alternative grains and the harm toxic metals can cause developing infant brains. The AAP has noted that rice cereal does not need to be the first cereal introduced to infants and has suggested feeding infants a variety of alternative grains that tend to absorb less arsenic from groundwater compared to rice, including oat, barley, and multi-grain infant

cereal. (American Academy of Pediatrics, *Heavy Metals in Baby Food: Reducing Risk of Exposure* (Sept. 26, 2025) <https://www.healthychildren.org/English/ages-stages/baby/feeding-nutrition/Pages/Metals-in-Baby-Food.aspx> [as of Nov. 26, 2025].) In addition, the Department is aware that other WIC State agencies, including Alaska, Hawaii, Oregon, and Washington, have already removed rice infant cereal from their authorized food lists.

As part of this Alert, and as shown below, the Department is proposing to remove products from the current list of authorized infant cereals if (1) the product has been discontinued, (2) the product does not meet federal criteria or proposed state criteria for infant cereals, or (3) the Department was unable to verify the product's continued eligibility for authorization because no information was submitted as part of the RFI. These products are identified under "Remove."

Finally, the proposed amendments in this section include minor name changes to some authorized infant cereal products. These products are identified below under "Name Change(s)."

Based on the results of the RFI, the Department is proposing to amend the existing list of authorized infant cereals as specified below.

Add:

- Early On — Multigrain
- Early On — Multigrain Organic
- Early On — Oatmeal Single Grain Organic
- Gerber — Gluten Free Oatmeal
- MIJA — Organic Multi-Grain
- MIJA — Organic Oatmeal

Remove:

- Beech-Nut — Multigrain
- Beech-Nut — Oatmeal
- Beech-Nut — Organic Multigrain
- Beech-Nut — Organic Oatmeal
- Beech-Nut — Rice Single Grain
- Earth's Best Organic — Whole Grain Oatmeal
- Earth's Best Organic — Whole Grain Rice
- Gerber — Barley

- Gerber — Organic Rice
- Gerber — Rice
- Gerber — Whole Wheat
- Mom's Choice — Rice
- Yummy Naturals — Multigrain

Name Change(s):

- "Early On — Oatmeal" to "Early On — Oatmeal Single Grain"
- "Gerber — MultiGrain" to "Gerber — Multigrain"

(a)(2)(C) The Department is proposing to prohibit infant cereal with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(2)(D) The Department is proposing to prohibit infant cereal with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

(a)(2)(E) The Department is proposing to prohibit rice infant cereal for the reasons discussed above in the Statement of Reasons for subsections (a)(1)(A) through (a)(1)(D)2.

Proposed Amendments: 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 ~~b~~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 brand infant formula must meet the requirements in 7 Code of Federal Regulations part 246.10(e)(12), table 4 (~~2015~~2025), and is selected through a competitive bidding process. The list of the current contract brand infant 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 Department ~~State agency~~.

(B) Non-contract brand infant formula may ~~only~~ be issued ~~in~~ as part of ~~f~~Food ~~p~~Packages I, II, or III for participants with qualifying conditions with medical documentation pursuant to 7 Code of Federal Regulations part 246.10(d)(1)(i) (~~2015~~2025).

(C) Non-contract brand infant formula may be issued to participants without qualifying conditions and medical documentation in accordance with the Department's infant formula rebate contract(s).

(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 infant formula.

Authority

Federal:
7 C.F.R. § 246.2 (2025)

7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

7 C.F.R. § 246.16a(c), (n)(2) (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1) The Department is proposing to revise this subsection to remove the reference to paper food instruments. As indicated throughout this Alert, the Department completed its transition to an EBT food instrument system in 2020. Since paper food instruments are no longer in use, the portion of the regulation text referencing paper food instruments is now obsolete.

(a)(2)(A) The Department is proposing to revise this subsection to change the phrase “contract infant formula” to “contract brand infant formula” and the phrase “contract formulas” to “contract brand infant formulas.” These proposed changes are to better align the terminology in this subsection with uses of the defined term in federal regulation. (See 7 C.F.R. §§ 246.2, 246.16a.)

The Department is also proposing to revise this subsection to change the year in the federal citation from “2015” to “2025” to reference the most recent edition of the Code of Federal Regulations. As of the date of this Alert, the most recent edition available was published in 2025.

(a)(3)(A) The Department is proposing to amend current subsection (a)(3)(A) to make the changes described below, including by dividing the existing regulation text in subsection (a)(3)(A) into two separate subsections for clarity and ease of understanding.

The Department is proposing to revise subsection (a)(3)(A) to change the phrase “State agency” to instead say “Department.” Although the federal definition of non-contract brand infant formula references the “contract awarded by [the] State agency” (7 C.F.R. § 246.2), the Department is proposing to change subsection (a)(3)(A) for consistency with other regulation text throughout the WIC Bulletin Regulations and to make it clear that the California Department of Public Health is the State agency whose cost containment contract(s) determine which infant formulas are non-contract brand formula.

(a)(3)(B) The Department is proposing to create a new subsection (a)(3)(B) that would cover the existing regulation text in the second sentence of current subsection (a)(3)(A). This sentence describes the circumstances in which non-contract brand infant formula may be issued, stating that such formula may be issued only to participants with qualifying conditions with medical documentation receiving Food Package III. The Department is proposing to add language to clarify the other circumstances in which non-contract infant formula may be issued, i.e., to participants with qualifying conditions with medical documentation receiving Food Packages I and II, as specified in federal regulation. (7 C.F.R. § 246.10(e)(1)(iii), (e)(2)(iii).)

The Department is also proposing to revise this subsection to change the year in the federal citation from “2015” to “2025” to reference the most recent edition of the Code of

Federal Regulations. As of the date of this Alert, the most recent edition available was published in 2025.

(a)(3)(C) The Department is proposing to add a new subsection (a)(3)(C) to cover additional circumstances in which non-contract brand infant formula may be issued, i.e., when such issuance is "in accordance with the Department's infant formula rebate contract(s)." Federal regulation requires that infant formula rebate contracts include remedies "to protect against disruption in infant formula supply to participants." (7 C.F.R. § 246.16a(n).) Such remedies include, for example, contract provisions that allow for the issuance of non-contract brand infant formulas without medical documentation in response to a recall. (7 C.F.R. § 246.16a(n)(2).) In this vein, the Department is proposing to add new subsection (a)(3)(C) to account for a scenario in which the Department issues non-contract brand infant formula to participants who do not have qualifying conditions with medical documentation in accordance with the terms of the infant formula rebate contract(s) between the Department and the infant formula manufacturer(s).

(a)(4)(A) The Department is proposing to change the phrase "no iron formula" to "no iron **infant** formula" for consistency with other regulation text. This proposed change clarifies, but does not substantively alter, the existing regulation text.

Proposed Amendments: 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 ~~b~~Brands listed in subsections (a)(2)(A)-~~(Q)~~ through (a)(2)(N) is authorized in the Infant Fruits and Vegetables Category when it has ~~the~~ 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 ~~b~~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.~~

(A) Beech-Nut

(B) Early On

(C) Gerber

(D) Good & Gather baby

(E) Happy Baby Organics

(F) Mom's Organic Choice

(G) O Organics

(H) Once Upon a Farm

(I) Parent's Choice

(J) Simple Truth Organic

(K) Tippy Toes

(L) Tippy Toes Organic

(M) Wild Harvest

(N) 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 with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(F) Infant fruits and vegetables with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73;

(G)~~(E)~~ Infant fruits and vegetables that do not list a fruit or vegetable as the first ingredient;

(H)~~(F)~~ Dried or powdered infant fruits and vegetables;

(I)~~(G)~~ Infant desserts, puddings, or smoothies;

(J)~~(H)~~ Infant juice;

(K)~~(I)~~ Infant dinners; and

(L)~~(J)~~ Graduates or toddler ~~infant~~ food.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(2)(A)-(a)(2)(N) The Department is proposing to amend the existing list of authorized Brands of infant fruits and vegetables in subsection (a)(2) and its subparts by adding and removing Brands from the list of authorized Brands.

The Department held an RFI for infant fruits and vegetables in summer 2025. The RFI was intended to (1) confirm that the currently authorized Brands' products continued to

meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82650) and (2) solicit additional Brands for authorization.

The Department is proposing to authorize all Brands that participated in the RFI with infant fruit and vegetable products that comply with federal criteria and proposed state criteria for infant fruits and vegetables. Brands of infant fruits and vegetables that are not currently authorized are identified below under “Add.”

As part of this Alert, and as shown below, the Department is proposing to remove Brands from the current list of authorized infant fruits and vegetables if (1) the Brand’s products have been discontinued or (2) the Department was unable to verify the Brands’ products’ continued eligibility for authorization because no information was submitted as part of the RFI. These Brands are identified under “Remove.”

Based on the results of the RFI, the Department is proposing to amend the existing list of Brands of authorized infant fruits and vegetables as specified below.

Add:

- Good & Gather baby
- Once Upon a Farm
- Simple Truth Organic

Remove:

- Earth’s Best Organic
- First Choice
- Mom’s Natural Choice
- Pic Select Fresh
- Raley’s Organic
- Yummy Naturals

(a)(3) The Department is proposing to modify the phrase “the following infant foods are never authorized” to remove “infant,” so that it reads “the following foods are never authorized.” The Department is proposing to make this change in order to better represent the types of prohibited foods listed in this subsection since not all of the foods listed are considered “infant” foods. For example, graduate and toddler foods are both intended for older children. This proposed change will reflect a more accurate representation of the prohibitions in this subsection and its subparts but does not change the meaning or effect of this provision.

(a)(3)(E) The Department is proposing to prohibit infant fruits and vegetables with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The

Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(3)(F) The Department is proposing to prohibit infant fruits and vegetables with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

(a)(3)(L) The Department is proposing to remove "infant" from redesignated subsection (a)(3)(L) because, as noted above in the Statement of Reasons for subsection (a)(3), graduates and toddler food are both intended for children older than infants. This proposed change is for clarity but does not substantively change the meaning or effect of this provision.

Proposed Amendments: 82700 WIC Authorized Food List Infant Meats.

(a) Infant Meats Category

(1) Any infant meat or poultry product made by the ~~b~~Brands listed in subsections (a)(2)(A)-~~(K)~~ and (a)(2)(B) 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~~ one-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 c~~Contains or does not contain added broth or gravy

(2) The following ~~b~~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.~~

(A) Beech-Nut

(B) Gerber

(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 with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(E) Infant meats with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73;

(F)~~(D)~~ Infant meats mixed with vegetables, fruits, cereal, pasta, or rice;

(G)~~(E)~~ Infant dinners; and

(H)~~(F)~~ Graduates or toddler ~~infant~~ food.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1)(E) The Department is proposing to change the language in this subsection that reads "[m]ay contain added broth or gravy" to read "[c]ontains or does not contain added broth or gravy." This proposed change clarifies, but does not substantively change, the effect of the provision or the Department's authorization of infant meats with broth or gravy and infant meats without broth or gravy.

(a)(2)(A)-(a)(2)(B) The Department is proposing to amend the existing list of authorized Brands of infant meats in subsection (a)(2) and its subparts by removing Brands from the list of authorized Brands.

The Department held an RFI for infant meats in summer 2025. The RFI was intended to (1) confirm that the currently authorized Brands' products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82700) and (2) solicit additional Brands for authorization.

The Department is proposing to authorize all submitted Brands of infant meats with products that comply with federal and state authorization requirements for infant meats.

As part of this Alert, and as shown below, the Department is proposing to remove Brands from the current list of authorized infant meats if (1) the product has been discontinued or (2) the Department was unable to verify the Brands' products' continued eligibility for authorization because no information was submitted as part of the RFI. These Brands are identified below under "Remove."

Based on the results of the RFI, the Department is proposing to amend the existing list of Brands of authorized infant meats as specified below.

Remove:

- Early On
- Earth's Best Organic
- Mom's Natural Choice
- O Organics

- Raley's Organic
- Tippy Toes
- Tippy Toes Organic
- Wild Harvest
- Yummy Naturals

(a)(3) The Department is proposing to modify the phrase "the following infant foods are never authorized" to remove "infant," so that it reads "the following foods are never authorized." The Department is proposing to make this change in order to better represent the types of prohibited foods listed in this subsection since not all of the foods listed are considered "infant" foods. For example, graduate and toddler foods are both intended for older children. This proposed change will reflect a more accurate representation of the prohibitions in this subsection and its subparts but does not change the meaning or effect of this provision.

(a)(3)(D) The Department is proposing to prohibit infant meats with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(3)(E) The Department is proposing to prohibit infant meats with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

(a)(3)(H) The Department is proposing to remove "infant" from redesignated subsection (a)(3)(H) because, as noted in the Statement of Reasons for subsection (a)(3),

graduates and toddler food are both intended for children older than infants. This proposed change is for clarity but does not substantively change the meaning or effect of this provision.

Proposed Amendments: 82750 WIC Authorized Food List Milk.

(a) Milk Category

(1) If no other type of milk is included in ~~a~~ the participant's electronic benefits ~~or is specified on a food instrument~~, any ~~b~~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);~~

(B)~~(C)~~ Pasteurized or ultra-pasteurized; and

(C)~~(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~~. Non-organic pasteurized or ultra-pasteurized plain fluid cow's milk is authorized in the following fat levels and is available for purchase only when it is the fat level of milk included in the participant's electronic benefits:

(A) One percent (1%) lowfat (light) or nonfat (fat free or skim);

(B) Two percent (2%) reduced fat; and

(C) Whole.

(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).~~ Non-organic pasteurized or ultra-pasteurized plain fluid cow's milk in half gallon containers is authorized in the fat levels specified in subsection (a)(2) and is available for purchase only when it is the size and fat level included in the participant's electronic benefits.

~~(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).~~

(4)~~(5)~~ Non-organic pasteurized or ultra-pasteurized ~~L~~lactose-free milk in half gallon, three-quarter gallon, and one (1) gallon containers is authorized in the following fat levels ~~Milk Category~~ and is available for purchase ~~as part of a participant's food package when requested by a~~ participant only when it is the type and fat level of milk included in the participant's electronic benefits:~~.~~ ~~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. Two percent (2%) lactose-free milk is authorized in the Milk Category as part of the participant food package issued to one-year-old children (12 through 23 months) when two percent (2%) lactose-free milk is included in a participant's electronic benefits.~~

(A) One percent (1%) lowfat (light) or nonfat (fat free or skim);

(B) Two percent (2%) reduced fat; and

(C) Whole.

(5)~~(6)~~ Non-organic pasteurized or ultra-pasteurized ~~E~~evaporated milk in twelve (12) ounce containers is authorized in the following fat levels ~~in the Milk Category as part of a participant's food package when requested by a participant.~~ and is available for purchase only when it is the type and fat level of milk included in the participant's electronic benefits:

(A) ~~Evaporated milk that is o~~One percent (1%) lowfat (light) or nonfat (fat free or skim); and ~~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 instrument.~~

(B) 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.~~

(6)~~(7)~~ Nonfat (fat free or skim), non-organic pasteurized or ultra-pasteurized

pPowdered dry milk in the following container sizes is authorized and is available for purchase only when it is the type and fat level of milk included in the participant's electronic benefits:

(A) nNine and six tenths (9.6) ounce; and

(B) Nine and six hundred twenty-five thousandths (9.625) ounce; and

(C) tTwenty-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.

(7)(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 subsections (a)(5)-(7) (a)(4) through (a)(6), 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;

(F)(G) Non-dairy milk substitutes;

(G)(H) Milk sold in pint sized containers;

(H)(I) Milk in glass bottles;

(I)(J) Sweetened condensed or filled milk; and

(J)(K) Organic milk.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(10), table 2, (e)(12), table 4 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

82750 As described below, the Department is proposing to extensively restructure current section 82750 and its subsections for clarity, readability, and to account for the transition to an EBT food instrument system.

Under an EBT food instrument system, the foods participants can purchase with their electronic benefits depend on the participant's food package (for example, how much milk the participant is prescribed and whether the participant is prescribed whole milk versus lowfat or nonfat milk) and in some cases will depend on the participant's selections at the local agency (for example, whether the participant chooses "regular" cow's milk or lactose-free milk). The electronic benefits, in turn, limit the quantity, type, and fat level of milk the participant can purchase in store. As explained below in the Statement of Reasons for the affected subsections, the Department is proposing to make amendments throughout section 82750 to account for how benefits issuance works in EBT. As one example, the Department is proposing to add new language to the regulation text in subsections (a)(2) through (a)(6) that would explicitly limit whether certain milk benefits are "available for purchase" to those situations in which the milk benefits are included in the participant's electronic benefits.

(a)(1)-(a)(1)(C) As part of the Department's proposed changes to current subsection (a)(1), the Department is proposing to remove the phrase "or is specified on a food instrument" to account for the fact that the Department completed the transition to an EBT food instrument system in 2020. Since paper food instruments are no longer in use, this regulation text is obsolete.

For clarity, readability, and to account for how benefits are issued in EBT, the Department is proposing to remove the phrase "as part of a participant's food package" from subsection (a)(1).

Taken together, with the proposed changes described above, subsection (a)(1) would say: "If no other type of milk is included in the participant's electronic benefits, any Brand of non-organic milk that has all of the following characteristics is authorized in the Milk Category. . ."

To account for the proposed changes to subsection (a)(2), which are described below, the Department is proposing to repeal current subsection (a)(1)(B), which covers authorized fat levels for plain fluid cow's milk.

(a)(2) As indicated above, the Department is proposing to make changes throughout section 82750 to account for the transition to an EBT food instrument system and improve the clarity and readability of the regulation text. As previously mentioned, the foods covered by a participant's electronic benefits, including the milk quantity, type, and fat level, are determined by the participant's food package and in some cases by the participant's selections at the local agency. For these reasons, the Department is proposing to remove the current regulation text beginning with "Plain fluid cow's milk. . ." and ending with "pursuant to section (a)(2)," since the Department no longer intends to

describe the circumstances in which certain milk benefits would be authorized and available for purchase in this manner. Instead, the Department is proposing to add regulation text to subsection (a)(2) that would describe the circumstances in which "[n]on-organic pasteurized or ultra-pasteurized plain fluid cow's milk" in gallon containers and half gallon containers (see W.B.R. § 82750, proposed (a)(1)(C), (a)(3)) would be authorized and available for purchase as follows: "Non-organic pasteurized or ultra-pasteurized plain fluid cow's milk is authorized in the following fat levels and is available for purchase only when it is the fat level of milk included in the participant's electronic benefits. . ." This new regulation text would be followed by a colon. As noted above, these proposed changes are for clarity, readability, and to reflect that under an EBT food instrument system, the electronic benefits issued to the participant are based on the participant's food package and, if applicable, any selections the participant made at the local agency.

As part of the proposed restructuring of section 82750 to improve clarity and readability, the Department is proposing to add proposed subsections (a)(2)(A) through (a)(2)(C), which would list the authorized fat levels for non-organic pasteurized or ultra-pasteurized plain fluid cow's milk. Specifically, proposed subsection (a)(2)(A) would cover 1 percent or nonfat milk, proposed subsection (a)(2)(B) would cover 2 percent milk, and proposed subsection (a)(2)(C) would cover whole milk.

(a)(3) Since all authorized milk products must be non-organic and either pasteurized or ultra-pasteurized (see W.B.R. § 82750(a)(8)(A), (a)(8)(K)), for clarity and ease of understanding, the Department is proposing to add the phrase "Non-organic pasteurized or ultra-pasteurized" to the beginning of subsection (a)(3).

Similar to the proposed changes in subsection (a)(2) and its subparts, and for the same reasons, the Department is proposing to remove the current regulation text beginning with "Whole milk is authorized. . ." and ending with "pursuant to section (a)(2)," since the Department no longer intends to describe the circumstances in which certain milk benefits would be authorized and available for purchase in this manner. Instead, the Department is proposing to add regulation text to subsection (a)(3) that would describe the circumstances in which "[n]on-organic pasteurized or ultra-pasteurized plain fluid cow's milk in half gallon containers" would be authorized and available for purchase as follows: "Non-organic pasteurized or ultra-pasteurized plain fluid cow's milk in half gallon containers is authorized in the fat levels specified in subsection (a)(2) and is available for purchase only when it is the size and fat level included in the participant's electronic benefits." As noted above, in EBT, the participant's food package and any selections the participant makes at the local agency will determine which electronic benefits are issued. The electronic benefits, in turn, will limit the quantity, type, and fat level of milk the participant can purchase in store. Overall, the Department is proposing these revisions to subsection (a)(3) to help streamline the regulation text by removing language that is unnecessary under EBT.

~~(a)(4)~~ The Department is proposing to repeal current subsection (a)(4) in its entirety. Currently, subsection (a)(4) covers the authorization of 2 percent reduced fat milk for

“one-year-old children (12 through 23 months) for whom overweight or obesity is a concern when prescribed by a competent professional authority.” However, this subsection is no longer necessary since, as indicated in the proposed regulation text and Statement of Reasons for subsections (a)(1) through (a)(3), 2 percent milk would be authorized in gallon or half gallon containers if it met applicable food authorization criteria and would be available for purchase only if it was included in the participant’s electronic benefits, which are themselves dependent on the participant’s food package. (See, e.g., 7 C.F.R. § 246.10(e)(10), table 2, fn. 10, (e)(11), table 3, fn. 12.) Overall, to conform with the Department’s other proposed changes to improve the clarity and readability of section 82750, as well as to better reflect how benefits are issued in EBT, the Department is proposing to repeal current subsection (a)(4) because it is no longer necessary.

(a)(4) Since all authorized milk products must be non-organic and either pasteurized or ultra-pasteurized (see W.B.R. § 82750(a)(8)(A), (a)(8)(K)), for clarity and ease of understanding, the Department is proposing to add the phrase “Non-organic pasteurized or ultra-pasteurized” to the beginning of redesignated subsection (a)(4) before the words “lactose-free milk.” These proposed changes will not alter the meaning or effect of the regulation text.

In addition, the Department is proposing to amend the authorized container sizes for lactose-free milk so that instead of authorizing only half gallon containers, the Department would also authorize three-quarter gallon and one gallon containers. Previously, the Department only authorized half gallon containers of lactose-free milk because it was the only size known to the Department for this type of milk. However, in recent years this has changed, and manufacturers now produce three-quarter gallon containers and one gallon containers of lactose-free milk.

In its 2025 Store Survey, the Department collected pricing information for these new, larger container sizes of lactose-free milk and determined that both the three-quarter gallon containers and one gallon containers cost less per ounce compared to half gallon containers based on the Department’s 2024 redemption data for lactose-free milk in half gallon containers. Therefore, the Department is proposing to authorize these new, larger sizes in order to potentially achieve cost savings as well as expand available options for WIC participants.

The Department is proposing to continue authorizing half gallon containers of lactose-free milk even though they are generally more expensive than the new sizes because they are by far the most widely available container size of lactose-free milk and therefore the option participants are most likely to encounter when shopping. Continuing to authorize half gallon containers of lactose-free milk will therefore help ensure that participants do not have trouble finding products to purchase with their electronic benefits for lactose-free milk.

Notably, as part of the Final Rule, USDA amended federal regulations to state that “lactose-free milk must be authorized.” (7 C.F.R. § 246.10(e)(10), table 2, fn. 8, (e)(11),

table 3, fn. 10.) As a result, the Department is required to authorize lactose-free milk as an option for all participants who receive the milk benefit as part of their food package. Importantly, even though lactose-free milk is now authorized for most food packages, its availability for purchase will depend on whether the participant selected lactose-free milk as the milk type. Since the change to federal regulation makes lactose-free milk an option for all participants who are prescribed milk as part of their food package and choose to be issued lactose-free milk, the Department is proposing to add the phrase "following fat levels" after the phrase "is authorized in the. . ." to account for the different fat levels that may be prescribed depending on the participant's food package.

To conform with other proposed changes to section 82750 for clarity, readability, and to reflect how food benefits are issued in EBT, the Department is proposing to remove the current regulation text that says "Milk Category" and "as part of a participant's food package when requested by a participant," as well as the regulation text beginning with "Lactose free milk. . ." and ending with "included in the participant's electronic benefits." For the same reasons, the Department is proposing to add regulation text that says "and is available for purchase" and "only when it is the type and fat level of milk included in the participant's electronic benefits," followed by a colon, in order to describe when lactose-free milk is authorized and available for purchase in the EBT system. As discussed above, a participant's electronic benefits are determined by the applicable food package as well as any selections made at the local agency, including whether the participant selected lactose-free milk.

Altogether, with the Department's proposed changes, redesignated subsection (a)(4) would say: "Non-organic pasteurized or ultra-pasteurized lactose-free milk in half gallon, three-quarter gallon, and one (1) gallon containers is authorized in the following fat levels and is available for purchase only when it is the type and fat level of milk included in the participant's electronic benefits. . ."

(a)(4)(A)-(a)(4)(C) Similar to the proposed amendments to subsections (a)(2)(A) through (a)(2)(C), and for the same reasons, the Department is proposing to add proposed subsections (a)(4)(A) through (a)(4)(C), which would list the authorized fat levels for lactose-free milk. Specifically, proposed subsection (a)(4)(A) would cover 1 percent or nonfat, proposed subsection (a)(4)(B) would cover 2 percent, and proposed subsection (a)(4)(C) would cover whole. The formatting for these provisions is reflected in the Department's proposed regulation text for these subsections. As noted above, the Department is proposing to authorize these fat levels since federal regulation now requires State agencies to authorize lactose-free milk for all food packages that include the milk benefit. (See 7 C.F.R. § 246.10(e)(10), table 2, fn. 8, (e)(11), table 3, fn. 10.)

(a)(5) Since all authorized milk products must be non-organic and either pasteurized or ultra-pasteurized (see W.B.R. § 82750(a)(8)(A), (a)(8)(K)), for clarity and ease of understanding, the Department is proposing to add the phrase "Non-organic pasteurized or ultra-pasteurized" to the beginning of redesignated subsection (a)(5) before the words "evaporated milk." These proposed changes will not alter meaning or effect of the regulation text.

To conform with other proposed changes to section 82750 for clarity, readability, and to reflect how food benefits are issued in EBT, the Department is proposing to remove the current regulation text that says “in the Milk Category as part of a participant’s food package when requested by a participant.” For the same reasons, the Department is proposing to add regulation text that says “and is available for purchase only when it is the type and fat level of milk included in the participant’s electronic benefits” to describe when evaporated milk is authorized and available for purchase under the EBT food instrument system. As discussed above, a participant’s electronic benefits are determined by the applicable food package as well as any selections made at the local agency, including whether the participant selected an alternative milk type like evaporated milk.

(a)(5)(A)-(a)(5)(B) For clarity and readability, the Department intends to structure proposed subsection (a)(5) and its subparts in a manner that conforms with the Department’s proposed changes to new subsections (a)(2)(A) through (a)(2)(C) as well as new subsections (a)(4)(A) through (a)(4)(C). Specifically, the Department is proposing to restructure new subsections (a)(5)(A) and (a)(5)(B) to list the fat levels of evaporated milk that are authorized and available for purchase if they are included in participant’s electronic benefits. With these changes, new subsection (a)(5)(A) would say “One percent (1%) lowfat (light) or nonfat (fat free or skim),” followed by a semi-colon and the word “and,” while new subsection (a)(5)(B) would say “Whole.” As shown in the proposed regulation text for new subsections (a)(5)(A) and (a)(5)(B), the Department is proposing to remove: (1) the regulation text before “One percent (1%). . .” that says “Evaporated milk that is. . .”; (2) the regulation text after “(fat free or skim)” that begins with “in twelve (12) ounce containers. . .” and ends with “printed on a participant’s food instrument”; and (3) the regulation text after “Whole” that begins with “evaporated milk in twelve (12) ounce containers. . .” and ends with “printed on a participant’s food instrument.”

(a)(6) For clarity, and to conform with the other proposed changes discussed below, the Department is proposing to add the words “Nonfat (fat free or skim)” to the beginning of redesignated subsection (a)(6). This is the fat level in the current regulation text and is not a change to the fat level. (See W.B.R. § 82750(a)(7).) In addition, since all authorized milk products must be non-organic and either pasteurized or ultra-pasteurized (see W.B.R. § 82750(a)(8)(A), (a)(8)(K)), for clarity and ease of understanding, the Department is proposing to add a comma, followed by the phrase “non-organic pasteurized or ultra-pasteurized” to redesignated subsection (a)(6) after the words “Nonfat (fat free or skim)” and before the words “powdered dry milk.” To conform with these changes, the word “powdered” would no longer be the first word of the subsection and therefore would not be capitalized. These proposed changes will not alter the meaning or effect of the regulation text.

To conform with other proposed changes to section 82750 for clarity, readability, and to reflect how food benefits are issued in EBT, the Department is proposing to add regulation text that says “the following container sizes is authorized and is available for purchase only when it is the type and fat level of milk included in the participant’s

electronic benefits. . .” after the words “powdered dry milk in. . .” As discussed above, a participant’s electronic benefits, and the issuance of a milk benefit for an alternative milk type like powdered dry milk, will depend on participant’s food package and any selections the participant made. To conform with the changes described above, the Department is proposing to remove existing regulation text beginning with “containers is authorized. . .” and ending with “on a participant’s food instrument.”

(a)(6)(A)-(a)(6)(C) The Department is proposing to divide redesignated subsection (a)(6) into subparts in order to improve the clarity and readability of these provisions. Since the only authorized fat level for powdered dry milk is nonfat (fat free or skim), instead of listing fat levels like in new subsections (a)(2)(A) through (a)(2)(C), (a)(4)(A) through (a)(4)(C), and (a)(5)(A) and (a)(5)(B), new subsections (a)(6)(A) through (a)(6)(C) would list authorized container sizes.

As indicated in the proposed regulation text for new subsection (a)(6)(B), the Department is proposing to authorize powdered dry milk in 9.625 ounce containers when the powdered dry milk meets all other requirements in new subsection (a)(6). The Department is proposing to authorize this new container size since it is widely available in California stores and will help ensure powdered dry milk is available for participants to purchase.

Altogether, as reflected in the proposed regulation text, new subsection (a)(6)(A) would list the 9.6 ounce container size, new subsection (a)(6)(B) would list the newly authorized 9.625 ounce container size, and new subsection (a)(6)(C) would list the 25.6 ounce container size.

(a)(7)(F) The Department is proposing to remove the soy milk prohibition from section 82750’s regulation text for the (Cow’s) Milk Category. The requirements for milk in this section already specify that authorized products must be “cow’s milk” and the Department is retaining this requirement in the same provision, which is subsection (a)(1)(A). It is not necessary to specify that cow’s milk is not soy milk, as that is generally understood by most people. Moreover, the existing prohibition on soy milk in this section is sometimes mistakenly interpreted as the Department not allowing soy milk at all, which is not the case. Removing the prohibition is intended to help clear up that misunderstanding.

Proposed Amendments: 82800 WIC Authorized Food List Peanut Butter.

(a) Peanut Butter Category

(1) Any ~~b~~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.~~ United States Food and Drug Administration (FDA) 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.; and

(D) Is of regular, low, or zero-added sugar 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.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 164.150 (2025)

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1)(A) The Department is proposing to replace the reference to the "F.D.A." and write out the agency's full name followed by the acronym in parentheses: "United States Food and Drug Administration (FDA)." This proposed change is for clarity and will not alter the meaning or effect of the regulation text.

(a)(1)(D) The Department is proposing to add a new subsection (a)(1)(D) to clarify that any sugar amount is allowed in peanut butter, including regular, low, or zero-added sugar content. The Department is proposing to add this clarification to help participants better understand which peanut butter products they are allowed to purchase. USDA's authorization requirements for peanut butter in 7 Code of Federal Regulations part 246.10(e)(12), table 4, do not include restrictions on the allowable amounts of sugar or sweeteners in peanut butter other than those found in the FDA's standard of identity for peanut butter in 21 Code of Federal Regulations part 164.150. Although the FDA's standard of identity for peanut butter does not explicitly discuss sugar in peanut butter, allowable sweeteners, excluding artificial sweeteners, are considered to be "safe and suitable seasoning and stabilizing ingredients" which may not "in the aggregate exceed 10 percent of the weight of the finished food." (21 C.F.R. § 164.150(a).) Any product that contains added sugar in excess of this amount would no longer meet the standard of identity for peanut butter and could not be authorized. For these reasons, the Department is choosing to allow participants to purchase peanut butter containing any amount of sugar, as long as the product meets the requirements set forth in section 82800, including the requirement in subsection (a)(1)(A) that the product conform to the FDA standard of identity for peanut butter.

Proposed Amendments: 82850 WIC Authorized Food List ~~Soy~~ Plant-Based Milk Alternatives.

(a) Plant-Based Milk Alternatives Category

(1) Oat Milk Blends Subcategory

(A) The following oat milk blend, as identified by Brand and product name, flavor, and container, is authorized in the Oat Milk Blends Subcategory:

1. Silk Kids Oatmilk Blend

A. Original flavor

i. Refrigerated fifty-nine (59) ounce containers

(2) Pea Milk Subcategory

(A) The following pea milks, as identified by Brand and product name, flavor, and container, are authorized in the Pea Milk Subcategory:

1. Ripple Kids Plant-Based Milk

A. Original flavor

i. Refrigerated forty-eight (48) ounce containers

ii. Shelf-stable quart-sized containers

2. Ripple Kids Unsweetened Plant-Based Milk

A. Original flavor

i. Refrigerated forty-eight (48) ounce containers

3. Ripple Plant-Based Milk

A. Original flavor

i. Refrigerated forty-eight (48) ounce containers

ii. Shelf-stable quart-sized containers

4. Ripple Unsweetened Plant-Based Milk

A. Original flavor

i. Refrigerated forty-eight (48) ounce containers

B. Vanilla flavor

i. Refrigerated forty-eight (48) ounce containers

(3)~~(a)~~ Soy Milk Subcategory ~~Category~~

(A)~~(1)~~ The following soy milks ~~-based beverages~~, as identified by Brand and product name, flavor, and container, ~~products~~ are authorized in the Soy Milk Subcategory ~~Category~~:

1.~~(A)~~ 8th Continent Soymilk

A.~~1.~~ Original flavor~~; and~~

i.~~2.~~ ~~Sold in~~ ~~r~~Refrigerated half gallon containers~~.~~

2. bettergoods Plant-Based Soymilk

A. Original flavor

i. Refrigerated half gallon containers

~~(B) Great Value Soymilk~~

~~1. Original flavor; and~~

~~2. Sold in refrigerated half gallon containers.~~

3.~~(C)~~ Pacific Foods Ultra Soy

A.~~1.~~ Original flavor~~; and~~

i.~~2.~~ ~~Sold in~~ ~~s~~Shelf-stable quart-sized containers~~.~~

4.~~(D)~~ Silk Soymilk

A.~~1.~~ Original flavor~~; and~~

i.~~2.~~ ~~Sold in~~ ~~r~~Refrigerated half gallon~~s~~ containers

ii. Shelf-stable ~~or refrigerated~~ quart-sized containers~~.~~

B. Vanilla flavor

i. Refrigerated half gallon containers

ii. Shelf-stable quart-sized containers

~~(E) WESTSOY Organic Plus Soymilk~~

~~1. Plain flavor; and~~

~~2. Sold in shelf-stable quart-sized containers.~~

(4)~~(2)~~ All authorized ~~soy-based beverages~~ plant-based milk alternatives are authorized both individually and in multi-packs.

(5)~~(3)~~ The following types of ~~soy-based beverages~~ plant-based milk alternatives are never authorized for purchase as part of the ~~Soy~~ Plant-Based Milk Alternatives Category:

(A) ~~Flavored~~ Other flavors of ~~soy-based beverage~~ plant-based milk alternatives, such as chocolate or ~~vanilla~~ banana;

(B) Light, lowfat, fat free, and non-fat ~~soy-based beverage~~ plant-based milk alternatives; ~~and~~

~~(C) Unsweetened soy-based beverage.~~

(C) Plant-based milk alternatives with artificial, reduced-calorie, or no-calorie sweeteners;

(D) Plant-based milk alternatives with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22; and

(E) Plant-based milk alternatives with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

82850 As described below, the Department is proposing to authorize new plant-based milk alternatives in addition to soy-based beverages, which are already authorized.

To reflect this proposed change, the Department intends to change the name of section 82850 from "Soy" to "Plant-Based Milk Alternatives." This amendment mirrors USDA's changes to 7 Code of Federal Regulations part 246.10(e)(10) through (e)(12), which are designed to be consistent with draft guidance from the FDA. (U.S. Food & Drug Admin., *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry* (Feb. 2023) <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/draft-guidance-industry-labeling-plant-based-milk-alternatives-and-voluntary-nutrient-statements> [as of Dec. 2, 2025]; 89 Fed.Reg. 28488, 28496-97 (Apr. 18, 2024).)

Although some types of plant-based milk alternative products use "beverage" on their labels, most products use the term "milk" in their names. (U.S. Food & Drug Admin., *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry* (Feb. 2023), p. 5 <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/draft-guidance-industry-labeling-plant-based-milk-alternatives-and-voluntary-nutrient-statements> [as of Dec. 2, 2025].) Research has indicated that most consumers understand that plant-based milk alternatives are distinct products from milk and do not contain milk. (*Id*.) While there is no FDA standard of identity for plant-based milk alternatives, common or usual names have been established for these products as a result of common usage, including common names where the term "milk" is qualified by the plant source of the beverage, such as "soy milk." (*Id.* at pp. 6, 8, 12.) To align with changes in USDA's regulations and to better reflect the names of the products that WIC participants encounter in stores, the Department is proposing to change the name of the heading for section 82850 from "WIC Authorized Food List Soy" to "WIC Authorized Food List Plant-Based Milk Alternatives."

As discussed below, the Department is proposing to expand which plant-based milk alternatives are available to California WIC participants for several reasons.

First, federal regulation now makes the authorization of any type of plant-based milk alternative an option for State agencies. (7 C.F.R. § 246.10(e)(10), table 2, fn. 8, (e)(11), table 3, fn. 10.) As part of the Final Rule, USDA determined that plant-based milk alternatives that (1) meet the nutrient specifications for WIC-eligible soy beverages and (2) do not exceed the added sugar maximums set forth in federal regulation are nutritionally appropriate foods for participants. (See 7 C.F.R. § 246.10(e)(12), table 4; 89 Fed.Reg. 28488, 28496-28497 (Apr. 18, 2024).) In making this decision, USDA observed that plant-based milk alternatives that meet these requirements are a suitable

alternative to cow's milk, providing options "that accommodate participants' special dietary needs," including dairy and soy allergies, as well as "personal and cultural food preferences." (89 Fed.Reg. 28488, 28497 (Apr. 18, 2024).)

Second, the Department is proposing to authorize additional plant-based milk alternatives based on data demonstrating a strong participant preference for these foods. In the 2024 Participant Survey, participants reported a strong preference for plant-based milk alternatives, with approximately 68 percent of adult respondents reporting they would buy plant-based milk alternatives instead of cow's milk for themselves, and approximately 56 percent reporting they would buy them for their child(ren). Providing foods that participants prefer helps the Department meet its goal of authorizing foods that nutritionally benefit the participant population. A WIC Authorized Food List that contains food products that meet participants' supplemental nutritional needs and that participants are interested in eating or drinking helps ensure participants benefit nutritionally by consuming nutrients that may otherwise be missing from their diets.

Based on these considerations, the Department is proposing to expand its list of authorized plant-based milk alternatives to include options other than soy milk.

To inform its decision about **which** plant-based milk alternatives to propose for authorization, the Department considered submissions made by manufacturers during the RFI conducted in summer 2025. The results of the RFI revealed that only a few **types** of plant-based milk alternative products that are currently available in the California marketplace meet federal nutrient requirements. Of the products submitted by manufacturers, only soy milk, pea milk, and oat milk blends meet the federal nutrition requirements for plant-based milk alternatives. As part of the Final Rule, USDA noted it had received public comments about the "limited availability" of plant-based milk alternative products that meet federal nutrient requirements but concluded that authorizing these products at the federal level would "creat[e] a pathway to allow WIC State agencies to authorize such products as they become available. . . ." (89 Fed.Reg. 28488, 28497 (Apr. 18, 2024).)

When deciding whether to authorize a type of food, the Department considers the food's availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found that the Brands and types of plant-based milk alternative products that it is proposing to authorize as part of the amendments to section 82850 are available at a wide variety of California stores.

In addition to considering which **types** of plant-based milk alternatives to propose for authorization, the Department also considered which **flavors** should be covered by its proposal.

The Department is proposing to authorize vanilla as a new flavor option for plant-based milk alternatives. Historically, only unflavored (original or plain flavor) soy-based beverages were authorized in the Soy Category. However, as part of this Regulatory Alert, the Department is proposing to authorize vanilla-flavored plant-based milk alternatives.

Over the years, participants have repeatedly expressed interest in receiving vanilla-flavored plant-based beverages as part of their food benefits. Although the Department did not ask about flavored plant-based milk alternatives in the 2024 Participant Survey, over the course of the approximately 16 year period that the Department has authorized soy milk as a WIC food, participants regularly requested soy milk in vanilla flavor. By proposing to modify section 82850 to authorize vanilla-flavored products, the Department is seeking to satisfy participants who prefer vanilla-flavored plant-based milk alternatives and help increase consumption of these products for participants who do not find the unflavored versions palatable. Providing foods that participants find palatable helps to ensure that participants consume these foods and thereby benefit from them nutritionally.

In addition to considering participant preference when evaluating whether to propose adding vanilla as an authorized flavor, the Department evaluated the availability of vanilla-flavored plant-based milk alternatives in the California marketplace and observed that these products are widely available. Vanilla is a commonly produced flavor, and vanilla-flavored plant-based milk alternatives are available at most major retailers.

The Department also evaluated the nutritional implications of proposing to authorize vanilla-flavored plant-based milk alternatives. As noted above, **all** authorized plant-based milk alternative products, regardless of flavor, are required to meet the same added sugar limit and nutrient fortification requirements listed in federal regulation. (See 7 C.F.R. § 246.10(e)(12), table 4.)

Finally, in assessing its proposed changes to section 82850 as a whole, the Department evaluated the **cost** impact of authorizing additional types and flavors of plant-based milk alternatives. Using suggested retail price data submitted by manufacturers during the RFI, the Department determined that the average cost of the three types of plant-based milk alternatives that the Department is proposing to authorize (oat milk blend, pea milk, and soy milk) is $13.47 per one-equivalent-gallon, while soy milk alone had an average cost of $10.61 per one-equivalent-gallon. The Department also evaluated the cost of vanilla-flavored plant-based milk alternatives and observed that the data submitted during the RFI showed there is no difference in pricing for vanilla-flavored products versus unflavored products.

As USDA observed in the Final Rule, because “dairy and soy are among the most common food allergens,” authorizing additional plant-based milk alternatives will give the Department and its local agencies “greater flexibility to prescribe and tailor WIC food packages that accommodate participants’ special dietary needs and personal and cultural food preferences.” (See 89 Fed.Reg. 28488, 28497 (Apr. 18, 2024).) USDA also

clarified that in order to accommodate these needs, federal regulation would not "require or allow for medical documentation [as a prerequisite] to issue plant-based milk alternatives. . . ." (*Id.*) Based on these considerations, and to increase participants' ability to purchase products that fit their dietary needs and preferences and therefore are more likely to be consumed and provide a nutritional benefit, the Department is proposing to authorize the products set forth in the proposed regulation text for section 82850, including plant-based milk alternatives other than soy milk, despite the higher cost of these products compared with soy milk.

For these reasons, the Department is proposing to include soy milk, pea milk, and oat milk blends, in both original (unflavored) and vanilla flavors, in the proposed Plant-Based Milk Alternatives Category.

(a) For the same reasons as those explained above regarding the Department's proposed change to the heading for section 82850, the Department is proposing to change the name of the CDPH Food Category from the "Soy Category" to "Plant-Based Milk Alternatives Category."

(a)(1) For the reasons described above, specifically, the explanation of how the Department decided **which** plant-based milk alternatives to propose for authorization, the Department is proposing to create the Oat Milk Blends Subcategory as part of the proposed Plant-Based Milk Alternatives Category.

(a)(1)(A) For clarity, the Department is proposing to restructure how it discusses which products are authorized in each CDPH Food Subcategory that is part of the proposed Plant-Based Milk Alternatives Category. For example, as shown in the proposed regulation text for proposed subsections (a)(1)(A), (a)(2)(A), (a)(3)(A), and their respective subparts, each authorized product listed in the CDPH Food Subcategory would be identified by its pertinent characteristics, including Brand name, product name, flavor, container storage method (refrigerated or shelf-stable), and container size. With these changes, the regulation text in proposed subsection (a)(1)(A) would say: "The following oat milk blend, as identified by Brand and product name, flavor, and container, is authorized in the Oat Milk Blends Subcategory," followed by a colon.

(a)(1)(A)1.-(a)(1)(A)1.A.i. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, for the Oat Milk Blends Subcategory, the Department is proposing to authorize Silk Kids Oatmilk Blend in original flavor in refrigerated 59 ounce containers because this product was submitted during the Department's summer 2025 RFI, and it meets the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

(a)(2) For the reasons described above, specifically, the explanation of how the Department decided **which** plant-based milk alternatives to propose for authorization, the Department is proposing to create the Pea Milk Subcategory as part of the proposed Plant-Based Milk Alternatives Category.

(a)(2)(A) For the same reasons described above for proposed subsection (a)(1)(A), the Department is proposing to restructure how it discusses which products are authorized in each CDPH Food Subcategory that is part of the proposed Plant-Based Milk Alternatives Category. Specifically, each authorized product listed in the CDPH Food Subcategory would be identified by its pertinent characteristics, including Brand name, product name, flavor, container storage method (refrigerated or shelf-stable), and container size. With these changes, the regulation text in proposed subsection (a)(2)(A) would say: “The following pea milks, as identified by Brand and product name, flavor, and container, are authorized in the Pea Milk Subcategory,” followed by a colon.

(a)(2)(A)1.-(a)(2)(A)1.A.ii. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize Ripple Kids Plant-Based Milk in original flavor in refrigerated 48 ounce containers and shelf-stable quart-sized containers. These products were submitted during the Department’s summer 2025 RFI, and they meet the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

(a)(2)(A)2.-(a)(2)(A)2.A.i. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize Ripple Kids Unsweetened Plant-Based Milk in original flavor in refrigerated 48 ounce containers because this product was submitted during the Department’s summer 2025 RFI, and it meets the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

(a)(2)(A)3.-(a)(2)(A)3.A.ii. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize Ripple Plant-Based Milk in original flavor in refrigerated 48 ounce containers and shelf-stable quart-sized containers. These products were submitted during the Department’s summer 2025 RFI, and they meet the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

(a)(2)(A)4.-(a)(2)(A)4.B.i The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize Ripple Unsweetened Plant-Based Milk in original flavor in refrigerated 48 ounce containers and in vanilla flavor in refrigerated 48 ounce containers. These products were submitted during the Department’s summer 2025 RFI, and they meet the federal nutrition nutrient requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

(a)(3) Based on the proposed expansion of the current Soy Category to include other plant-based milk alternatives and the related proposal to revise the name of the CDPH Food Category covered by section 82850, the Department is proposing to create a “Soy

Milk Subcategory" as part of the proposed Plant-Based Milk Alternatives Category. (Compare W.B.R. § 82850(a) with W.B.R. § 82850, proposed (a)(3).)

Additionally, for the same reasons discussed at the beginning of the Statement of Reasons for this section about the use of common or usual names for plant-based milk alternatives, the Department is proposing to change the name used to describe soy-based beverages from "Soy" to "Soy Milk." In addition to better reflecting the more common or usual name used by consumers, FDA has noted that participants in its focus groups discussing plant-based milk alternatives indicated that "the term 'beverage' and 'drink' may suggest lower quality than a product called 'milk.'" (U.S. Food & Drug Admin., *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry* (Feb. 2023) pp. 5-6 <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/draft-guidance-industry-labeling-plant-based-milk-alternatives-and-voluntary-nutrient-statements> [as of Dec. 8, 2025].) This proposed change clarifies, but does not substantively change, the type of plant-based milk alternative products covered by this provision.

(a)(3)(A) For the same reasons described above for proposed subsection (a)(1)(A), the Department is proposing to restructure how it discusses which products are authorized in each CDPH Food Subcategory that is part of the proposed Plant-Based Milk Alternatives Category. Specifically, each authorized product listed in the CDPH Food Subcategory would be identified by its pertinent characteristics, including Brand name, product name, flavor, container storage method (refrigerated or shelf-stable), and container size. With these changes, the regulation text in proposed subsection (a)(3)(A) would say: "The following soy milks, as identified by Brand and product name, flavor, and container, are authorized in the Soy Milk Subcategory," followed by a colon.

(a)(3)(A)2.-(a)(3)(A)2.A.i. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize bettergoods Plant-Based Soymilk in original flavor in refrigerated half gallon containers. This product was submitted during the Department's summer 2025 RFI, and it meets the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

~~(a)(1)(B)-(a)(1)(B)2.~~ The Department is proposing to repeal current subsections (a)(1)(B) through (a)(1)(B)2. and remove Great Value Soymilk in original flavor in refrigerated half gallon containers as an authorized product. This product was discontinued by its manufacturer.

(a)(3)(A)3. The Department is proposing to change the Brand name for the authorized product listed in proposed subsection (a)(3)(A)3. from "Pacific Ultra Soy" to "Pacific Foods Ultra Soy." This new Brand name was submitted by the manufacturer during the Department's summer 2025 RFI and matches the Brand name shown on the product's container.

(a)(3)(A)4.A.ii. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize Silk Soymilk in original flavor in shelf-stable quarts. This product was submitted during the Department's summer 2025 RFI, and it meets the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

In proposed subsection (a)(3)(A)4.A.ii., the Department is also proposing to modify its authorization of Silk Soymilk in original flavor in quarts to remove **refrigerated** quarts as an authorized product. This is because refrigerated quarts were discontinued by the manufacturer.

(a)(3)(A)4.B.-(a)(3)(A)4.B.ii. The Department is proposing to authorize all original or vanilla-flavored products submitted during the RFI that meet the minimum federal requirements for plant-based milk alternatives. Therefore, the Department is proposing to authorize Silk Soymilk in vanilla flavor in refrigerated half gallon containers and shelf-stable quart-sized containers. These products were submitted during the Department's summer 2025 RFI, and they meet the federal nutrition requirements listed in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

~~(a)(1)(E)-(a)(1)(E)2.~~ The Department is proposing to repeal current subsections (a)(1)(E) through (a)(1)(E)2. and remove WESTSOY Organic Plus Soymilk in plain flavor in shelf-stable quart-size containers as an authorized product. This product was discontinued by the manufacturer.

(a)(4) The Department is proposing to change the current regulation text in redesignated subsection (a)(4) from "All authorized soy-based beverages are authorized both individually and in multi-packs" to "All authorized plant-based milk alternatives are authorized both individually and in multi-packs." This proposed change reflects the expansion of this CDPH Food Category, as discussed above in the Statement of Reasons for section 82850.

(a)(5) In redesignated subsection (a)(5), the Department is proposing to change the regulation text referring to "soy-based beverages" to "plant-based milk alternatives" and the regulation text referring to the "Soy Category" to "Plant-Based Milk Alternatives Category." Proposed subsection (a)(5) and its subparts identify the items that are never authorized for purchase under section 82850 and these proposed changes will clarify that these prohibitions apply to plant-based milk alternatives, not just soy-based beverages. These proposed changes reflect the expansion of this CDPH Food Category, as discussed above in the Statement of Reasons for section 82850.

(a)(5)(A) The Department is proposing to change the prohibition set forth in redesignated subsection (a)(5)(A) to apply to plant-based milk alternatives instead of soy-based beverages. This proposed change reflects the expansion of this CDPH Food Category, as discussed above in the Statement of Reasons for section 82850.

The Department is also proposing to modify this prohibition. Instead of prohibiting all "flavored" products, the Department would prohibit "Other flavors," besides vanilla, since the Department is proposing to authorize vanilla-flavored plant-based milk alternatives as part of its changes to section 82850. In the list of examples of prohibited flavors, the Department is proposing to change the "vanilla" reference to "banana" to provide an example of an additional flavor, besides chocolate, that is prohibited.

(a)(5)(B) The Department is proposing to change the prohibition against "Light, lowfat, fat free, and non-fat soy-based beverage" to "Light, lowfat, fat free, and non-fat plant-based milk alternatives" followed by a semi-colon. The Department is proposing to apply this existing prohibition to all plant-based milk alternatives, not just soy-based beverages, because light, lowfat, fat free, and non-fat plant-based milk alternatives do not meet federal nutrient fortification requirements, as set forth in 7 Code of Federal Regulations part 246.10(e)(12), table 4.

~~(a)(3)(C)~~ The Department is proposing to repeal current subsection (a)(3)(C) and its prohibition against unsweetened soy-based beverages. As indicated in Regulatory Alert 2018-04, this prohibition was not designed to indicate that unsweetened products would never be authorized, but to reflect that section 82850 did not include any unsweetened products because, at the time, none of the authorized Brands produced an unsweetened soy-based beverage that complied with federal nutrition requirements in 7 Code of Federal Regulations part 246.10(e)(12), table 4 (2018). (See Regulatory Alert 2018-04, Attachment 1, p. 44.) The prohibition's purpose was to help flag to participants that unsweetened versions were not authorized, so they could identify the correct products for purchase. As part of this Regulatory Alert, the Department is proposing to authorize unsweetened pea milks which meet the federal nutrition requirements. Therefore, the Department is proposing to repeal this prohibition. Notably, the Department is proposing to repeal this prohibition for all plant-based milk alternatives covered by section 82850 rather than retaining prohibitions specific to individual types of plant-based milk alternatives (such as unsweetened soy milk or oat milk blends) since attempting to retain prohibitions by CDPH Food Subcategory could create confusion about the newly-authorized unsweetened pea milk products.

(a)(5)(C) The Department is proposing to prohibit plant-based milk with artificial sweeteners, reduced-calorie sweeteners, or no-calorie sweeteners due to the potential health impacts caused by consumption of these substances. For example, human studies have demonstrated a significant association between the consumption of artificial sweeteners and the development of obesity, higher fasting blood glucose levels, increased hemoglobin A1c levels, and other adverse metabolic effects. (Steffen et al., *Long-term aspartame and saccharin intakes are related to greater volumes of visceral, intermuscular, and subcutaneous adipose tissue: the CARDIA study* (July 13, 2023) Internat. J. Obesity <https://www.nature.com/articles/s41366-023-01336-y> [as of Dec. 12, 2025]; Suez et al., *Artificial Sweeteners Induce Glucose Intolerance by Altering the Gut Microbiota* (Sept. 2014) Nature <https://www.researchgate.net/publication/265791239_Artificial_Sweeteners_Induce_Glucose_Intolerance_by_Altering_the_Gut_Microbiota> [as of Dec. 12, 2025].) Random

controlled trials, systematic reviews, and meta-analyses have also suggested direct associations between artificial sweeteners and elevated risk of cardiovascular disease. (Chazelas et al., *Sugary Drinks, Artificially-Sweetened Beverages, and Cardiovascular Disease in the NutriNet-Santé Cohort* (Oct. 26, 2020) J. Am. College Cardiology <https://www.jacc.org/doi/10.1016/j.jacc.2020.08.075> [as of Dec. 12, 2025]; Meng et al., *Sugar- and Artificially Sweetened Beverages Consumption Linked to Type 2 Diabetes, Cardiovascular Diseases, and All-Cause Mortality: A Systematic Review and Dose-Response Meta-Analysis of Prospective Cohort Studies* (July 30, 2021) Nutrients <https://www.mdpi.com/2072-6643/13/8/2636> [as of Dec. 12, 2025]; Yin et al., *Intake of Sugar-Sweetened and Low-Calorie Sweetened Beverages and Risk of Cardiovascular Disease: A Meta-Analysis and Systematic Review* (July 22, 2020) Advances in Nutrition <https://pmc.ncbi.nlm.nih.gov/articles/PMC7850046/> [as of Dec. 12, 2025].) Additionally, research shows the artificial sweetener aspartame has been implicated in triggering headaches and other neuropsychological symptoms such as seizures, anxiety, depression, and insomnia. (Ghusn et al., *The Impact of Artificial Sweeteners on Human Health and Cancer Association: A Comprehensive Clinical Review* (Dec. 29, 2023) Cureus <https://pmc.ncbi.nlm.nih.gov/articles/PMC10822749/> [as of Dec. 12, 2025].)

(a)(5)(D) The Department is proposing to prohibit plant-based milk alternatives with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(5)(E) The Department is proposing to prohibit plant-based milk alternatives with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

Proposed Amendments: 82900 WIC Authorized Food List Tofu.

(a) Tofu Category

(1) The following tofus, as identified ~~below~~ by ~~b~~Brand~~/~~ and 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) Franklin Farms

1. Extra Firm
2. Firm
3. Medium Firm
4. Soft

(C)~~(B)~~ House Foods

1. Premium Extra Firm
2. Premium Firm
3. Premium Medium Firm

~~(C) Nasoya~~

1. ~~Organic Silken~~

(D) O Organics

1. ~~Organic Sprouted~~ Super Firm

(E) Wo Chong

1. Organic 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) Tofu with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(C) Tofu with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73;

(D)~~(B)~~ Cubed, dried, baked, or fried tofu; and

(E)~~(C)~~ Tofu that is sold in bulk and is not pre-packaged.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

(a)(1)(A)-(a)(1)(E) The Department is proposing to amend the existing list of authorized tofus in subsection (a)(1) and its subparts by adding and removing products from the list of authorized products.

The Department held an RFI for tofu in summer 2025. This RFI was intended to (1) confirm that currently authorized products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82900) and (2) solicit additional products for authorization.

The Department is proposing to authorize all tofu products submitted in response to the RFI that comply with the federal criteria and proposed state criteria for tofu. Tofu products that are not currently authorized are identified below under “Add.”

As part of this Alert, and as shown below, the Department is proposing to remove products from the current list of authorized tofu products if (1) the product has been discontinued, (2) the product does not meet federal criteria or proposed state criteria for tofu, or (3) the Department was unable to verify the product’s continued eligibility for authorization because no information was submitted as part of the RFI. These products are identified under “Remove.”

Finally, the proposed amendments in this section include minor name changes to some authorized tofu products. These products are identified below under “Name Change(s).”

Based on the results of the RFI, the Department is proposing to amend the existing list of authorized tofu products as specified below.

Add:

- Franklin Farms — Extra Firm
- Franklin Farms — Firm
- Franklin Farms — Medium Firm
- Franklin Farms — Soft
- Wo Chong — Organic Firm

Remove:

- Azumaya — Silken
- Nasoya — Organic Silken

Name Change(s):

- "O Organics — Organic Sprouted Super Firm" to "O Organics — Super Firm"

(a)(2)(B) The Department is proposing to prohibit tofu with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(2)(C) The Department is proposing to prohibit tofu with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-

prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

Proposed Amendments: 82950 WIC Authorized Food List Whole Grains.

(a) Whole Grains Category

(1) Brown Rice Subcategory

(A) Any ~~b~~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)~~ twelve (12) ounce to forty-eight (48) ounce packages;
2. Is of any variety of brown rice, such as basmati and jasmine;
3. Is short, medium, or long grain; and
4. Is regular, quick, or instant.

(B) The following types of rice are never authorized for purchase as part of the Brown Rice Subcategory:

1. Ready-to-serve rice;
2. Brown rice mixed with any other type of rice; and
3. Organic brown rice.

(2) Bulgur Subcategory

(A) Any ~~b~~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)~~ twelve (12) ounce to forty-eight (48) ounce packages; and
2. Is organic or non-organic.

(3) Corn Masa Flour Subcategory

(A) Any Brand of corn masa flour is authorized in the Corn Masa Flour Subcategory of the Whole Grains Category when it has the following characteristics:

1. Is sold in twelve (12) ounce to forty-eight (48) ounce packages; and
2. Is instant or regular.

(B) The following types of corn masa flour are never authorized for purchase as part of the Corn Masa Flour Subcategory:

1. Organic corn masa flour.

(4)~~(3)~~ Corn Tortillas Subcategory

(A) ~~The following~~ Any soft corn tortillas (white or yellow)~~, identified by brand~~

~~and product name,~~ in ~~sixteen (16)~~ twelve (12) ounce to forty-eight (48) ounce packages made by the following Brands 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~~

1. Chavez Supermarket
2. Don Pancho
3. Early On
4. El Comal
5. El Super
6. Essential Everyday
7. First Street
8. Goya
9. Great Value

10. Guerrero
11. IGA
12. La Banderita
13. La Burrita
14. La Tapatia
15. Mission
16. Ozuna
17. Raley's
18. Rancho Gonzalez by Northgate Market
19. Romero's
20. Signature Select
21. Sol de Oro
22. Sunny Select
23. Tortilleria Santacruz
24. Vallarta Supermarkets

(B) The following type of ~~C~~corn ~~T~~tortillas is never authorized for purchase as part of the Corn Tortillas Subcategory:

1. Organic ~~C~~corn ~~T~~tortillas.

(5)~~(4)~~ Oatmeal or Oats Subcategory

(A) Any ~~b~~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)~~ twelve (12) ounce to forty-eight (48) 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. Flavored oatmeal or oats; and
3.~~2.~~ Organic oatmeal or oats.

(6)~~(5)~~ Whole Grain Barley Subcategory

(A) Any ~~b~~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)~~ twelve (12) ounce to forty-eight (48) 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.

(7) Whole Grain Cornmeal Subcategory

(A) Any Brand of white or yellow whole grain cornmeal is authorized in the Whole Grain Cornmeal Subcategory of the Whole Grains Category when it has the following characteristics:

1. "Whole grain corn" is the first and only ingredient;
2. Is sold in twelve (12) ounce to forty-eight (48) ounce packages; and
3. Is any texture, including fine, medium, or coarse.

(B) The following types of cornmeal are never authorized for purchase as part of the Whole Grain Cornmeal Subcategory:

1. Cornmeal that does not have "whole grain corn" as the first and only ingredient, including but not limited to products with corn, degerminated cornmeal, and degermed corn listed in the ingredients;
2. Organic cornmeal; and
3. Polenta or grits.

(8) Whole Wheat Bagels Subcategory

(A) Any Brand of whole wheat bagels is authorized in the Whole Wheat Bagels Subcategory of the Whole Grains Category when it has the following characteristics:

1. Is sold in twelve (12) ounce to forty-eight (48) ounce packages; and
2. The package has "100% Whole Wheat" printed on the front label.

(B) Whole wheat bagels made by an in-store bakery are authorized if they meet the requirements of subsection (a)(8)(A).

(C) The following type of whole wheat bagels is never authorized for purchase as part of the Whole Wheat Bagels Subcategory:

1. Organic whole wheat bagels.

(9)~~(6)~~ Whole Wheat Bread Subcategory

(A) Any ~~b~~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)~~ twelve (12) ounce to forty-eight (48) 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~~ authorized if it meets the requirements of subsection (a)(9)(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.

(10) Whole Wheat English Muffins Subcategory

(A) Any Brand of whole wheat English muffins is authorized in the Whole Wheat English Muffins Subcategory of the Whole Grains Category when it has the following characteristics:

1. Is sold in twelve (12) ounce to forty-eight (48) ounce packages; and
2. The package has “100% Whole Wheat” printed on the front label.

(B) Whole wheat English muffins made by an in-store bakery are authorized if they meet the requirements of subsection (a)(10)(A).

(C) The following type of whole wheat English muffins is never authorized for purchase as part of the Whole Wheat English Muffins Subcategory:

1. Organic whole wheat English muffins.

(11)~~(7)~~ Whole Wheat Pasta Subcategory

(A) ~~The following whole wheat pastas, identified by brand and product name,~~ Any whole wheat pasta of any shape sold in sixteen (16) ounce packages made by the following Brands ~~are~~ is 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~~

1. Allegra
2. Barilla
3. Essential Everyday
4. Full Circle Market Organic

5. Good & Gather
6. Great Value
7. Kroger
8. O Organics
9. Raley's
10. Ronzoni
11. Signature Select
12. Simple Truth Organic
13. Stater Bros.
14. Wild Harvest Organic
15. WinCo Foods

(12) Whole Wheat Pita Bread

(A) Any Brand of whole wheat pita bread is authorized in the Whole Wheat Pita Bread Subcategory of the Whole Grains Category when it has the following characteristics:

1. Is sold in twelve (12) ounce to forty-eight (48) ounce packages; and
2. The package has "100% Whole Wheat" printed on the front label.

(B) Whole wheat pita bread made by an in-store bakery is authorized if it meets the requirements of subsection (a)(12)(A).

(C) The following type of whole wheat pita bread is never authorized for purchase as part of the Whole Wheat Pita Bread Subcategory:

1. Organic whole wheat pita bread.

(13)~~(8)~~ Whole Wheat Tortillas Subcategory

(A) ~~The following whole wheat tortillas, identified by brand and product name,~~ Any whole wheat tortillas in ~~sixteen (16)~~ twelve (12) ounce to forty-eight (48) ounce packages made by the following Brands 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~~
~~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~~

1. Chi-Chi's
2. Don Pancho
3. Early On
4. El Comal
5. Essential Everyday
6. Goya
7. Great Value
8. Guerrero
9. Kroger
10. La Banderita
11. Mission
12. Northgate Market
13. Ozuna
14. Raley's
15. Romero's
16. Signature Select
17. Tortilleria Santacruz

18. Vallarta Supermarkets

(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.

(14)~~(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~~ Whole grains that ~~is~~ are refrigerated or frozen;

(C) Brown rice, bulgur, corn masa flour, whole grain barley, whole grain cornmeal, and whole wheat pasta with added sugars, fats, oils, or salt.

(D)~~(C)~~ Refrigerated or frozen dough and mixes;

(E)~~(D)~~ Whole grains with artificial, reduced-calorie, or no-calorie sweeteners;

(F) Whole grains with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(G) Whole grains with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73;

(H)~~(E)~~ Homemade whole grains; and

(I)~~(F)~~ Whole grains that are sold in bulk and are not pre-packaged.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(1)(iii), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(10), table 2, fn. 20, (e)(11), table 3, fn. 24, (e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), pp.12, 35-36

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

82950 As discussed above when explaining the Department's proposed changes to the Breakfast Cereal Category in the Statement of Reasons for section 82100, proposed subsections (a)(1) through (a)(10), even though the consumption of whole grains provides important health benefits, according to the DGA, "98 percent [of Americans] fall below recommendations for whole grains." (U.S. Dept. of Agr. & U.S. Dept. of Health & Human Services, *Dietary Guidelines for Americans, 2020-2025* (9th Ed. 2020), p. 32 <https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf> [as of Dec. 9, 2025].) To help address this gap, one of the Department's nutrition education goals is increasing participants' whole grain consumption. (See Cal. Dept. Public Health, *Eat More Whole Grains!* (Apr. 2024) <https://docs.wic.ca.gov/Flyers/Ed/Whole-Grains.pdf> [as of Dec. 9, 2025].) Additionally, as part of this Alert, the Department is prioritizing amendments to the WIC Authorized Food List that increase the number of whole grain options available to participants with the overall goal of increasing whole grain intake in order to improve participant health outcomes.

In the Final Rule, USDA both modified the amount of whole wheat bread, whole grain bread, and other whole grain options (i.e., the whole grain benefit) issued to women and children to reflect amounts that better align with the DGA. (89 Fed.Reg. 28488, 28505 (Apr. 18, 2024); see also 87 Fed.Reg. 71090, 71101-71102 (Nov. 21, 2022).) The Final Rule also expanded the number of whole grain options that may be substituted for whole wheat bread and whole grain bread. (89 Fed.Reg. 28488, 28506 (Apr. 18, 2024).) As a result of these changes, the Department is proposing to authorize new whole grain options and amend the authorized package sizes for most CDPH Food Subcategories in the Whole Grains Category.

First, the Department is proposing to authorize the following new whole grain options: corn masa flour, whole grain cornmeal, whole wheat bagels, whole wheat English muffins, and whole wheat pita bread. (See 7 C.F.R. § 246.10(e)(10), table 2, fn. 20, (e)(12), table 4.) The Department's reasons for proposing to authorize each of these new whole grain options will be discussed below in the Statement of Reasons for each proposed CDPH Food Subcategory.

Second, the Department is proposing to modify the authorized package sizes for most whole grains to accommodate the revised MMAs in federal regulation and to provide greater variety and choice in this CDPH Food Category. (7 C.F.R. § 246.10(e)(10), table 2, (e)(11), table 3.) Specifically, the Department is proposing to make an expanded size range of 12 ounces to 48 ounces the authorized size range for all of the CDPH Food Subcategories in the Whole Grains Category **except** the Whole Wheat Pasta Subcategory. Currently, the authorized package size for all CDPH Food Subcategories in the Whole Grain Category is 16 ounces. (See, e.g., W.B.R. § 82950(a)(1)(A)1. [Brown Rice Subcategory], (a)(6)(A)1. [Whole Wheat Bread Subcategory].)

In evaluating whether to amend the currently authorized package size, the Department considered the whole grain MMAs for each food package. The Final Rule codified a reduction in the whole grain benefit issued in children's food packages (from 32 to 24 ounces) and increased the whole grain benefit in food packages issued to pregnant, postpartum, and breastfeeding women (from 16 to 48 ounces). (89 Fed.Reg. 28488, 28505 (Apr. 18, 2024).) Federal regulation requires State agencies to "authorize at least one package size (or combination of package sizes) that equal or add up to the [MMAs] of all authorized supplemental foods in each of the food packages." (7 C.F.R. § 246.10(b)(2)(i).) Due to changes in the MMAs for children, the Department must amend its regulations to include at least one package size that would allow for the purchase of the full 24 ounce whole grain benefit for child participants. (7 C.F.R. § 246.10(e)(10), table 2, (e)(11), table 3.)

Overall, the Department is proposing to authorize a greater number of whole grain products in a greater number of sizes to (1) provide participants with more whole grain options and (2) provide additional package sizes that easily meet the MMA for both women and children. For example, for children, package sizes that offer the full MMA of 24 ounces would include two 12 ounce packages or one 24 ounce package. For women, package sizes that offer the full MMA of 48 ounces would include four 12 ounce packages, two 24 ounce packages, three 16 ounce packages, or one 16 ounce package and one 32 ounce package.

While the expanded size range proposed by the Department would also allow participants to purchase products that do not evenly add up to the full MMAs for women and children, in the Final Rule, USDA allowed WIC State agencies to authorize product package sizes that provide less than the full MMA as long as the State agency authorizes at least one package size or combination of package sizes that equals or adds up to the full MMAs. (89 Fed.Reg. 28488, 28508 (Apr. 18, 2024); 7 C.F.R. § 246.10(b)(1)(iii).) Acknowledging that allowing the authorization of package sizes that cannot be combined to equal the MMA may create an administrative burden for the WIC State agencies, USDA encouraged WIC State agencies "to provide as much variety and choice as possible for as many food categories as possible, to the extent that is administratively and financially feasible given cost containment measures." (89 Fed.Reg. 28488, 28509 (Apr. 18, 2024).)

When analyzing which new package sizes to authorize, the Department considered product availability and pricing. In its 2025 Store Survey, the Department collected size and price data for the types of whole grains specified in federal WIC regulations. In addition, as part of the 2025 RFI, the Department collected product information, including pricing information, from food manufacturers and their representatives for Brand Specific Foods in the Whole Grains Category. The Department used the data collected from these sources to evaluate which package sizes to authorize.

The Department considers product availability to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. The collected data shows that a wide variety of whole grain

products that meet federal criteria and proposed state criteria are available in many sizes in California grocery stores. The exception to this general rule is whole wheat pasta, which is almost exclusively sold in 16 ounce packages.

The Department also considered the costs associated with the expanded size range for each whole grain option. The cost impacts of the Department's proposal to expand the size range will be discussed for each of the affected CDPH Food Subcategories, as applicable, in the Statement of Reasons for proposed subsections (a)(1) through (a)(10) and (a)(12) through (a)(13).

Overall, the Department's proposals to add new whole grain options and to expand the size range for whole grains are intended to promote the purchase of these products, increase the consumption of whole grains, and in so doing, improve nutritional outcomes for WIC families.

(a)(1)(A)1. The Department is proposing to amend this subsection to authorize brown rice in the expanded 12 ounce to 48 ounce package size range.

When deciding whether to propose an expanded size range for the Brown Rice Subcategory, in addition to the reasons discussed above in the Statement of Reasons for section 82950, the Department considered both the availability and pricing of brown rice products in the expanded size range.

The Department considers the availability of food products to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. Availability data for brown rice products collected as part of the 2025 Store Survey showed that additional brown rice products are available in the expanded size range, particularly in 28 ounce and 32 ounce packages.

A comparison between the Department's 2024 redemption data for brown rice and the pricing data from the 2025 Store Survey indicated that authorizing the expanded size range would result in an average cost of $0.11 per ounce for brown rice. This is higher than the average cost of $0.08 per ounce for the currently authorized 16 ounce package size. Acknowledging the potential cost increase associated with an expanded size range, the Department is proposing to move forward with this change in order to increase the availability of brown rice products, and in so doing, help support the consumption of whole grains and improve nutritional outcomes for WIC families.

(a)(2)(A)1. The Department is proposing to amend this subsection to authorize bulgur in the expanded 12 ounce to 48 ounce package size range.

When deciding whether to propose an expanded size range for the Bulgur Subcategory, in addition to the reasons discussed above in the Statement of Reasons for section 82950, the Department considered both the availability and pricing of bulgur products in the expanded size range.

The Department considers the availability of food products to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. Availability data for bulgur products collected as part of the 2025 Store Survey showed that additional bulgur products are available in the expanded size range, particularly in 24 ounce packages.

A comparison between the Department's 2024 redemption data for bulgur and the pricing data from the 2025 Store Survey indicated that authorizing the expanded size range would result in an average cost of $0.22 per ounce for bulgur. This is higher than the average cost of $0.19 per ounce for the currently authorized 16 ounce package size. Acknowledging the potential cost increase associated with an expanded size range, the Department is proposing to move forward with this change because the expanded size range will benefit participants by increasing available bulgur options. Bulgur is a significantly under-redeemed whole grain option, with only 16 total redemptions in 2024. The lack of bulgur redemptions may be due to the rarity of bulgur products in the 16 ounce package size, with only two options currently available as part of the Department's APL. This proposed change to the authorized size range is designed to increase the availability of bulgur products, and in so doing, help support the consumption of whole grains and improve nutritional outcomes for WIC families.

(a)(3) In response to USDA's decision to add corn masa flour as a new whole grain option in the Final Rule, the Department is proposing to create a Corn Masa Flour Subcategory in the Whole Grains Category and to authorize any Brand of non-organic, instant or regular corn masa flour in 12 ounce to 48 ounce packages. (7 C.F.R. § 246.10(e)(12), table 4; 89 Fed.Reg. 28488, 28526 (Apr. 18, 2024).)

The Department's proposal to authorize corn masa flour as a whole grain option for California WIC participants is based on several factors.

First, when deciding whether to authorize a type of food, the Department considers the food's availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found that corn masa flour is widely available in 12 ounce to 48 ounce packages at a variety of California stores.

Second, the Department is proposing to authorize corn masa flour based on data demonstrating corn masa flour is a very popular option for both adults and children. In the 2024 Participant Survey, the Department asked participants about their preferences for the new whole grain options added by USDA's Final Rule. Corn masa flour was a very popular option with survey respondents. Specifically, for adult participants, corn masa flour was the second-most frequently selected of the new whole grain options, with 37 percent of respondents selecting it as a food they would like to purchase for themselves with their whole grain benefit. In addition, corn masa flour was the third-most frequently selected option for children, with 31 percent of respondents selecting it as the new whole grain option they would like to purchase for their child(ren). Providing

foods that participants prefer helps the Department meet its goal of authorizing foods that nutritionally benefit the participant population. A WIC Authorized Food List that contains food products that meet participants' supplemental nutritional needs and that participants are interested in eating helps ensure that participants benefit nutritionally by consuming nutrients that may otherwise be missing from their diets.

Finally, the Department evaluated the potential cost impact of authorizing corn masa flour as a whole grain option. A comparison between the 2025 Store Survey's price data for non-organic corn masa flour in 12 ounce to 48 ounce package sizes and the Department's 2024 redemption data for the most popular current whole grain option, which is whole wheat bread, revealed that the average cost per ounce of corn masa flour ($0.12) is less than half of the average cost per ounce of whole wheat bread in the currently authorized 16 ounce package size ($0.29). The Department also compared the 2025 Store Survey's price data for the average cost per ounce of corn masa flour ($0.12) with the estimated average cost per ounce of whole wheat bread in the expanded size range ($0.21) and determined that corn masa flour is a cost-effective whole grain option. (See the Statement of Reasons for proposed subsection (a)(9)(A)1. below for more information on the estimated average cost per ounce of whole wheat bread based on the Department's proposed expansion of package sizes).

Based on these considerations, and to increase participants' ability to purchase products that fit their dietary needs and preferences and therefore are more likely to be consumed and provide a nutritional benefit, the Department is proposing to authorize corn masa flour as a whole grain option.

(a)(3)(A) The Department is proposing to authorize corn masa flour as an Any Brand Food because corn masa flour contains a limited number of ingredients such as corn, lime, or trace of lime. Since participants should be able to look at the ingredients and easily identify if the product is authorized, the Department is proposing to make corn masa flour an Any Brand Food.

(a)(3)(A)1. The Department is proposing to authorize corn masa flour in the expanded 12 ounce to 48 ounce package size range for the reasons explained above in the Statement of Reasons for section 82950.

(a)(3)(A)2. The Department is proposing to authorize both instant and regular corn masa flour to ensure participants have a greater range of products to choose from in stores. This aligns with federal regulation, which permits "instant-, quick-, or regular-cooking" forms of certain whole grain options, including corn masa flour. (7 C.F.R. § 246.10(e)(12), table 4.)

(a)(3)(B) The Department is proposing to specify which corn masa flour products are **never** authorized in order to help WIC participants and WIC authorized vendors identify which products are not authorized for this new CDPH Food Subcategory.

(a)(3)(B)1. The Department is proposing to prohibit organic corn masa flour because organic foods are generally more expensive than non-organic foods. Prohibiting organic

corn masa flour is consistent with USDA's guidance encouraging State agencies to "limit organic products" to help contain food costs. (U.S. Dept. of Agr., Food & Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), pp. 35-36.)

(a)(4)(A) The Department held an RFI for corn tortillas in summer 2025. The RFI was intended to (1) confirm that the currently authorized Brands' products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82950) and (2) solicit additional Brands with corn tortilla products for authorization.

Based on information received during the RFI, the Department is proposing to amend its authorization requirements for products in the Corn Tortillas Subcategory to authorize products by Brand rather than Brand and product name. This is because during the summer 2025 RFI, the Department determined that all of the Brands listed in proposed subsections (a)(4)(A)1. through (a)(4)(A)24. make products that meet federal and state requirements.

The Department is also proposing to authorize corn tortillas in the expanded 12 ounce to 48 ounce package size range. When deciding whether to propose an expanded size range for the Corn Tortillas Subcategory, in addition to the reasons discussed above in the Statement of Reasons for section 82950, the Department considered the availability and pricing of corn tortilla products in the expanded size range.

The Department considers the availability of food products to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found that corn tortilla products in the expanded size range are widely available at a variety of California stores.

An analysis of the Department's 2024 redemption data for corn tortillas and the pricing data from the 2025 Store Survey indicated that authorizing the expanded size range would result in an average cost of $0.11 per ounce for corn tortillas. This is less than the average cost of $0.14 per ounce for the currently authorized 16 ounce package size. Changing to the expanded size range will potentially result in lower food costs, on average, compared to the currently authorized size while providing participants with more flexibility and options when purchasing corn tortillas.

(a)(4)(A)1.-(a)(4)(A)24. In order to implement the amendments described above, the Department is proposing to repeal the current list of corn tortillas authorized by Brand and product name in subsections (a)(3)(A)1. through (a)(3)(A)20. and replace them with proposed subsections (a)(4)(A)1. through (a)(4)(A)24., which would authorize **any** non-organic soft white or yellow corn tortillas in the expanded package size range made by the listed Brands.

The Department is proposing to authorize the Brands that participated in the RFI with corn tortilla products that comply with federal criteria and proposed state criteria for corn

tortillas. Brands of corn tortillas that are not currently authorized are identified below under “Add.”

As part of this Alert, and as shown below, the Department is also proposing to remove Brands from the current list of authorized corn tortillas if (1) the Brand’s products have been discontinued or (2) the Department was unable to verify the Brands’ products’ continued eligibility for authorization because no information was submitted as part of the RFI. These Brands are identified under “Remove.”

Finally, the proposed amendments in this section include a name change for one authorized Brand of corn tortillas based on information submitted during the RFI. This Brand is identified below under “Name Change(s).”

Based on the above, the Department is proposing to amend the list of authorized corn tortilla Brands as specified below.

Add:

- Early On
- First Street
- Goya
- Great Value
- La Tapatia
- Raley’s
- Signature Select
- Sol de Oro
- Sunny Select
- Vallarta Supermarkets

Remove:

- Chi-Chi’s
- Kroger
- Mi-Rancho Tortillas

Name Change(s):

- “Northgate Market” to “Rancho Gonzalez by Northgate Market”

(a)(5)(A)1. The Department is proposing to amend this subsection to authorize oatmeal or oats in the expanded 12 ounce to 48 ounce package size range.

When deciding whether to propose an expanded size range for the Oatmeal or Oats Subcategory, in addition to the reasons discussed above in the Statement of Reasons for section 82950, the Department considered both the availability and pricing of oatmeal and oats products in the expanded size range.

The Department considers the availability of food products to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. Availability data for oatmeal or oats products collected as part of the 2025 Store Survey showed that additional oatmeal or oats products in the expanded size range can be found in a variety of California stores.

An analysis of the Department's 2024 redemption data for oatmeal or oats and pricing data from the 2025 Store Survey indicated that authorizing the expanded size range would result in an average cost of $0.27 per ounce for oatmeal or oats. This is an increase from the average cost of $0.23 per ounce for the currently authorized 16 ounce package size. Acknowledging the potential cost increase associated with an expanded size range, the Department is proposing to move forward with this change in order to increase the availability of oatmeal or oats products, and in so doing, help support the consumption of whole grains and improve nutritional outcomes for WIC families.

(a)(5)(A)3. The Department is proposing to remove "crystal wedding" oats from the variety examples because this variety of oatmeal was discontinued and is no longer produced by its manufacturer.

(a)(5)(B)1. The Department is proposing to separate section 82950's existing prohibition against the authorization of "[i]Individual and flavored oatmeal packets" into two parts. With the Department's changes, proposed subsection (a)(5)(B)1. would prohibit "[i]ndividual oatmeal packets," while the prohibition against "[f]lavored oatmeal or oats" would move to proposed subsection (a)(5)(B)2. These changes are to clarify that all oatmeals in individual serving packets are not authorized in this CDPH Food Subcategory, not just flavored ones. Participants who wish to purchase oatmeal in individual serving packets may use their breakfast cereal benefit to do so. (Refer to section 82100, current subsection (a)(3) and proposed subsection (a)(7) for information on instant oatmeals in individual serving packets that are authorized in the Breakfast Cereal Category.)

(a)(5)(B)2. As indicated above in the Statement of Reasons for proposed subsection (a)(5)(B)1., the Department is proposing to move the prohibition against the authorization of "flavored oatmeal or oats" to its own subsection. This amendment clarifies, but does not substantively change, the existing requirement that authorized oatmeal or oats products in this CDPH Food Subcategory must be plain.

(a)(6)(A)1. The Department is proposing to amend this subsection to authorize whole grain barley in the expanded 12 ounce to 48 ounce package size range.

Although whole grain barley is an authorized food (see W.B.R. § 82950(a)(5)), no 16 ounce products are currently included in the Department's APL. In addition to the

reasons discussed above in the Statement of Reasons for section 82950, the Department is proposing to authorize the expanded package size range for this food with the goal of providing participants with access to this whole grain option.

(a)(7) In response to USDA's decision to add cornmeal as a new whole grain option in the Final Rule, the Department is proposing to create a Whole Grain Cornmeal Subcategory in the Whole Grains Category and to authorize any Brand or texture of white or yellow non-organic, whole grain cornmeal in 12 ounce to 48 ounce packages. (7 C.F.R. § 246.10(e)(12), table 4; 89 Fed.Reg. 28488, 28526 (Apr. 18, 2024).)

The Department's proposal to authorize whole grain cornmeal as a whole grain option for California WIC participants is based on several factors.

First, when deciding whether to authorize a type of food, the Department considers the food's availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found that 24 ounce whole grain cornmeal products are available at several California stores.

Second, the Department is proposing to authorize whole grain cornmeal based on data demonstrating cornmeal is a popular option . In the 2024 Participant Survey, the Department asked participants about their preferences for the new whole grain options added by USDA's Final Rule. Approximately 12 percent of survey respondents identified cornmeal as a food they would like to purchase for themselves or their child(ren) with the whole grain benefit. Providing foods that participants prefer helps the Department meet its goal of authorizing foods that nutritionally benefit the participant population. A WIC Authorized Food List that contains food products that meet participants' supplemental nutritional needs and that participants are interested in eating helps ensure participants benefit nutritionally by consuming nutrients that may otherwise be missing from their diets.

Finally, the Department evaluated the potential cost impact of authorizing whole grain cornmeal as a whole grain option. A comparison between the 2025 Store Survey's price data for non-organic whole grain cornmeal in 12 ounce to 48 ounce package sizes and the Department's 2024 redemption data for the most popular current whole grain option, which is whole wheat bread, revealed that the average cost per ounce of whole grain cornmeal ($0.18) is less than the average cost per ounce of whole wheat bread in the currently authorized 16 ounce package size ($0.29). The Department also compared the 2025 Store Survey's price data for the average cost per ounce of whole grain cornmeal ($0.18) with the estimated average cost per ounce of whole wheat bread in the expanded size range ($0.21) and determined that whole grain cornmeal is a cost-effective whole grain option. (See the Statement of Reasons for proposed subsection (a)(9)(A)1. below for more information on the estimated average cost per ounce of whole wheat bread based on the Department's proposed expansion of package sizes).

Based on these considerations, and to increase participants' ability to purchase products that fit their dietary needs and preferences and therefore are more likely to be consumed and provide a nutritional benefit, the Department is proposing to authorize non-organic white or yellow whole grain cornmeal as a whole grain option.

(a)(7)(A) The Department is proposing to authorize whole grain cornmeal as an Any Brand Food. As indicated in the proposed regulation text and Statement of Reasons for proposed subsection (a)(7)(A)1., the Department is proposing that one of the state criteria for authorized whole grain cornmeal would be that the first and only ingredient in the product is "whole grain corn." Since participants would be able to easily identify if a product is authorized by looking for a single ingredient on the label, the Department is proposing to make whole grain cornmeal an Any Brand Food.

The Department is proposing to authorize only white and yellow cornmeal because the only cornmeal products the Department identified in the 2025 Store Survey that met the single-ingredient requirement in proposed subsection (a)(7)(A)1. were made from white or yellow corn.

(a)(7)(A)1. As part of the proposed state criteria for whole grain cornmeal, the Department is proposing to require that "whole grain corn" is the "first and only ingredient." This proposal is based on guidance received from USDA on August 22, 2025, stating that "the indication of 'whole grain corn' as the first (and only) ingredient satisfies the minimum requirements and specifications for authorized types of cornmeal. . . ." In the same communication, USDA noted that "'corn,' 'degerminated corn meal,' and 'degermed corn' are not whole grain forms and therefore would not be sufficient." As noted above, this criterion would allow participants to easily identify authorized cornmeal products by reviewing the ingredients list for a single ingredient: whole grain corn.

(a)(7)(A)2. The Department is proposing to authorize whole grain cornmeal in the expanded 12 ounce to 48 ounce package size range for the reasons explained above in the Statement of Reasons for section 82950.

(a)(7)(A)3. The Department is proposing to authorize any texture of whole grain cornmeal. Federal regulation does not limit the textures of cornmeal that WIC State agencies may authorize. (See 7 C.F.R. § 246.10(e)(12), table 4.) In addition, the Department's 2025 Store Survey on product availability and pricing shows that there is no significant difference in pricing for these products based on their textures. For these reasons, and to help ensure participants have options when selecting authorized whole grain cornmeal products for purchase, the Department is proposing to authorize any texture of whole grain cornmeal.

(a)(7)(B) The Department is proposing to specify which whole grain cornmeal products are **never** authorized in order to help WIC participants and WIC authorized vendors identify which products are not authorized for this new CDPH Food Subcategory.

(a)(7)(B)1. The Department is proposing to prohibit the authorization of cornmeal products that do not have “whole grain corn” listed as the first and only ingredient. This subsection reflects the requirement in proposed subsection (a)(7)(A)1. that authorized cornmeal products must list “whole grain corn” as the first and only ingredient. In other words, if a product listed an ingredient other than “whole grain corn” as the first ingredient, or listed more than one ingredient, it would not be authorized.

(a)(7)(B)2. The Department is proposing to prohibit the authorization of organic cornmeal products because organic foods are generally more expensive than non-organic foods. Prohibiting organic cornmeal is consistent with USDA’s guidance encouraging State agencies to “limit organic products” to help contain food costs. (U.S. Dept. of Agr., Food & Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), pp. 35-36.)

(a)(7)(B)3. The Department is proposing to prohibit polenta and grits in the Whole Grain Cornmeal Subcategory. As part of this Alert, the Department is exclusively proposing to authorize new whole grain alternatives that are specifically listed as whole grain options in 7 Code of Regulations part 246.10(e)(12), table 4. Polenta and grits are not listed in federal regulation. However, because polenta and grits are dish-specific products made from ground corn and may be located near cornmeal in a store, to avoid any confusion about the authorization of these products, the Department is proposing to prohibit polenta and grits as part of the proposed regulation text for the Whole Grain Cornmeal Subcategory.

(a)(8) In response to USDA’s decision to add whole wheat bagels as a new whole grain option in the Final Rule, the Department is proposing to create a Whole Wheat Bagels Subcategory in the Whole Grains Category. (7 C.F.R. § 246.10(e)(12), table 4; 89 Fed.Reg. 28488, 28526 (Apr. 18, 2024).) Specifically, the Department is proposing to authorize any Brand of non-organic whole wheat bagels in the expanded size range that has “100% Whole Wheat” printed on the front label.

The Department’s proposal to authorize whole wheat bagels as a whole grain option for California WIC participants is based on several factors.

First, when deciding whether to authorize a type of food, the Department considers the food’s availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found there are several whole wheat bagel products in the expanded size range available at a variety of California stores.

Second, the Department is proposing to authorize whole wheat bagels based on data demonstrating whole wheat bagels are a very popular option. In its 2024 Participant Survey, the Department asked participants about their preferences for the new whole grain options added by USDA in the Final Rule. Whole wheat bagels were the most

frequently selected choice of the new whole grain options, with 45 percent of adult respondents identifying whole wheat bagels as a food they would like to purchase for themselves and 44 percent selecting it as an option they would like to purchase for their child(ren).

Finally, the Department evaluated the potential cost impact of authorizing whole wheat bagels as a whole grain option. The Department observed that the cost of whole wheat bagels is comparable to the cost of the most popular current whole grain option, which is whole wheat bread. A comparison between the 2025 Store Survey's price data for non-organic whole wheat bagels and the Department's 2024 redemption data for whole wheat bread revealed that the average cost per ounce of whole wheat bagels ($0.22) is less than the average cost per ounce of whole wheat bread in the currently authorized 16 ounce package size ($0.29). The Department also compared the 2025 Store Survey's price data for the average cost per ounce of whole wheat bagels ($0.22) with the estimated average cost per ounce of whole wheat bread in the expanded size range ($0.21) and determined that the costs are similar. (See the Statement of Reasons for proposed subsection (a)(9)(A)1. below for more information on the estimated average cost per ounce of whole wheat bread based on the Department's proposed expansion of package sizes).

Based on these considerations, and to increase participants' ability to purchase products that fit their dietary needs and preferences and therefore are more likely to be consumed and provide a nutritional benefit, the Department is proposing to authorize non-organic whole wheat bagels as a whole grain option.

(a)(8)(A) The Department is proposing to authorize whole wheat bagels as an Any Brand Food. As indicated below in the Statement of Reasons for proposed subsection (a)(8)(A)2., the Department is proposing to require that all authorized whole wheat bagels include the words "100% Whole Wheat" printed on the front label. This labeling requirement is identical to the existing labeling requirement for whole wheat bread. (W.B.R. § 82950(a)(6)(A)2.) Since this requirement will help participants easily identify whether a product is authorized by looking at the front label, the Department is proposing to make whole wheat bagels an Any Brand Food.

(a)(8)(A)1. The Department is proposing to authorize whole wheat bagels in the expanded 12 ounce to 48 ounce package size range for the reasons explained above in the Statement of Reasons for section 82950.

(a)(8)(A)2. As noted above, the Department is proposing to require that authorized whole wheat bagels have "100% Whole Wheat" printed on the front label. This requirement matches the existing labeling requirement for whole wheat bread. (See W.B.R. § 82950(a)(6)(A)2.) Adopting the same labeling requirement for all authorized forms of whole wheat bread products—i.e., bread, buns, rolls, bagels, English muffins, and pita bread—will benefit participants by simplifying the product selection and shopping process.

(a)(8)(B) The Department is proposing to authorize whole wheat bagels made by an in-store bakery if they meet the other proposed requirements in proposed subsection (a)(8) and its subparts. This proposal matches the existing provision for whole wheat bread (W.B.R. § 82950(a)(6)(B)) and would make the authorization requirements consistent for all forms of whole wheat bread products. This uniformity, in turn, will benefit participants by simplifying the product selection and shopping process.

(a)(8)(C) The Department is proposing to specify which whole wheat bagel products are **never** authorized in order to help WIC participants and WIC authorized vendors identify which products are not authorized for this new CDPH Food Subcategory.

(a)(8)(C)1. The Department is proposing to prohibit organic whole wheat bagels because organic foods are generally more expensive than non-organic foods. Prohibiting organic whole wheat bagels is consistent with USDA's guidance encouraging State agencies to "limit organic products" to help contain food costs. (U.S. Dept. of Agr., Food & Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), pp. 35-36.)

(a)(9)(A)1. The Department is proposing to amend this subsection to authorize whole wheat bread in the expanded 12 ounce to 48 ounce package size range.

When deciding whether to propose an expanded size range for the Whole Wheat Bread Subcategory, in addition to the reasons discussed in the Statement of Reasons for section 82950, the Department considered both the availability and pricing of products in the expanded size range.

Availability data for whole wheat bread products collected as part of the 2025 Store Survey showed that a wide variety of additional whole wheat bread products in the expanded size range can be found in a number of sizes.

An analysis of the Department's 2024 redemption data for whole wheat bread and pricing data from the 2025 Store Survey indicated that authorizing the expanded size range would result in an average cost of $0.21 per ounce for whole wheat bread. This is less than the average cost of $0.29 per ounce for the currently authorized 16 ounce package size. Whole wheat bread is the most popular current whole grain option, and changing to the expanded size range will potentially result in lower food costs, on average, compared to the currently authorized size while providing participants with more flexibility and options when purchasing whole wheat bread.

(a)(10) In response to USDA's decision to add whole wheat English muffins as a new whole grain option in the Final Rule, the Department is proposing to create a Whole Wheat English Muffins Subcategory in the Whole Grains Category. (7 C.F.R. § 246.10(e)(12), table 4; 89 Fed.Reg. 28488, 28526 (Apr. 18, 2024).) Specifically, the Department is proposing to authorize any Brand of non-organic whole wheat English muffins in the expanded size range that has "100% Whole Wheat" printed on the front label.

The Department's proposal to authorize whole wheat English muffins as a whole grain option for California WIC participants is based on several factors.

First, when deciding whether to authorize a type of food, the Department considers the food's availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found there are several whole wheat English muffin products in the expanded size range available at a variety of California stores.

Second, the Department is proposing to authorize whole wheat English muffins based on data demonstrating this is a popular option for both adult and child participants. In its 2024 Participant Survey, the Department asked participants about their preferences for the new whole grain options added by USDA in the Final Rule. For adults, whole wheat English muffins were the third-most frequently selected of the new whole grain options, with 37 percent of adult respondents selecting it as a food they would like to purchase for themselves with their whole grain benefit. In addition, whole wheat English muffins were the second-most frequently selected option for children, with approximately 37 percent of respondents selecting them as the new whole grain option they would like to purchase for their child(ren).

Finally, the Department evaluated the potential cost impact of authorizing whole wheat English muffins as a whole grain option. The Department observed that the cost of whole wheat English muffins is slightly higher but still comparable to the cost of the most popular current whole grain option, which is whole wheat bread. A comparison between the 2025 Store Survey's price data for non-organic whole wheat English muffins and the Department's 2024 redemption data for whole wheat bread revealed that the average cost per ounce of whole wheat English muffins ($0.27) is slightly less than the average cost per ounce of whole wheat bread in the currently authorized 16 ounce package size ($0.29). The Department also compared the 2025 Store Survey's price data for the average cost per ounce of whole wheat English muffins ($0.27) with the estimated average cost per ounce of whole wheat bread in the expanded size range ($0.21). (See the Statement of Reasons for proposed subsection (a)(9)(A)1. above for more information on the estimated average cost per ounce of whole wheat bread.) Acknowledging the potential cost increase associated with this proposal to authorize non-organic whole wheat English muffins, the Department is proposing to move forward with this change in order to increase the availability of whole grain options participants are interested in purchasing, and in so doing, help support the consumption of whole grains and improve nutritional outcomes for WIC families.

(a)(10)(A) The Department is proposing to authorize whole wheat English muffins as an Any Brand Food. As indicated below in the Statement of Reasons for proposed subsection (a)(10)(A)2., the Department is proposing to require that all authorized whole wheat English muffins include the words "100% Whole Wheat" printed on the front label. This labeling requirement is identical to the existing labeling requirement for whole wheat bread. (W.B.R. § 82950(a)(6)(A)2.) Since this requirement will help participants

easily identify whether a product is authorized by looking at the front label, therefore, the Department is proposing to make whole wheat English muffins an Any Brand Food.

(a)(10)(A)1. The Department is proposing to authorize whole wheat English muffins in the expanded 12 ounce to 48 ounce package size range for the reasons explained above in the Statement of Reasons for section 82950.

(a)(10)(A)2. As noted above, the Department is proposing to require that authorized whole wheat English muffins have “100% Whole Wheat” printed on the front label. This requirement matches the existing labeling requirement for whole wheat bread. (See W.B.R. § 82950(a)(6)(A)2.) Adopting the same labeling requirement for all authorized forms of whole wheat bread products—i.e., bread, buns, rolls, bagels, English muffins, and pita bread—will benefit participants by simplifying the product selection and shopping process.

(a)(10)(B) The Department is proposing to authorize whole wheat English muffins made by an in-store bakery if they meet the requirements in proposed subsection (a)(10) and its subparts. This proposal matches the existing provision for whole wheat bread (W.B.R. § 82950(a)(6)(B)) and would make the authorization requirements consistent for all forms of whole wheat bread products. This uniformity, in turn, will benefit participants by simplifying the product selection and shopping process.

(a)(10)(C) The Department is proposing to specify which whole wheat English muffin products are **never** authorized in order to help WIC participants and WIC authorized vendors identify which products are not authorized for this new CDPH Food Subcategory.

(a)(10)(C)1. The Department is proposing to prohibit organic whole wheat English muffins because organic foods are generally more expensive than non-organic foods. Prohibiting organic whole wheat English muffins is consistent with USDA’s guidance encouraging State agencies to “limit organic products” to help contain food costs. (U.S. Dept. of Agr., Food & Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), pp. 35-36.)

(a)(11)(A) The Department held an RFI for whole wheat pasta in summer 2025. The RFI was intended to (1) confirm that the currently authorized Brands’ products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82950) and (2) solicit additional Brands with whole wheat pasta products for authorization.

Based on the information received during the RFI, the Department is proposing to amend its authorization requirements for products in the Whole Wheat Pasta Subcategory to authorize products by Brand rather than Brand and product name. This is because during the summer 2025 RFI, the Department determined that all of the Brands listed in proposed subsections (a)(11)(A)1. through (a)(11)(A)15. make products that meet federal and state requirements.

The Department is also proposing to authorize any shape of whole wheat pasta made by the Brands listed in proposed subsections (a)(11)(A)1. through (a)(11)(A)15. in order to offer additional whole wheat pasta options. The Department's current list of authorized whole wheat pasta products already includes a number of allowable pasta shapes such as macaroni, spaghetti, rotini, and penne. Permitting all shapes and sizes of whole wheat pasta that "otherwise meet the FDA Standard of Identity for whole wheat macaroni (pasta) products [in 21 Code of Federal Regulations part 139.138]" is permitted under the minimum federal requirements for whole wheat pasta in 7 Code of Federal Regulations 246.10(e)(12), table 4, and will provide participants with more product options in this CDPH Food Subcategory. Participants will also benefit if new whole wheat pasta products or shapes are introduced by the listed Brands after adoption of this proposed rule.

(a)(11)(A)1.-(a)(11)(A)15. In order to implement the amendments described above, the Department is proposing to repeal the current list of whole wheat pastas authorized by Brand and product name in subsections (a)(7)(A)1. through (a)(7)(A)69. and replace them with proposed subsections (a)(11)(A)1. through (a)(11)(A)15., which would authorize **any** whole wheat pasta of any shape in 16 ounce packages made by the listed Brands.

The Department is proposing to authorize all Brands that participated in the RFI with whole wheat pasta products that comply with federal criteria and proposed state criteria for whole wheat pasta. Brands of whole wheat pasta that are not currently authorized are identified below under "Add."

As part of this Alert, and as shown below, the Department is proposing to remove Brands from the current list of authorized whole wheat pastas if (1) the Brand's products have been discontinued or (2) the Department was unable to verify the Brands' products' continued eligibility for authorization because no information was submitted as part of the RFI. These Brands are identified under "Remove."

Finally, the proposed amendments in this section include name changes to some authorized whole wheat pasta Brands based on information submitted during the RFI. These Brands are identified below under "Name Change(s)."

Based on the results of the RFI, the Department is proposing to amend the list of authorized whole wheat pasta Brands as specified below.

Add:

- Good & Gather
- Raley's
- Stater Bros.
- Wild Harvest Organic

Remove:

- Hodgson Mill
- Racconto
- Springfield
- Western Family

Name Change(s):

- “Full Circle” to “Full Circle Market Organic”
- “Ronzoni Healthy Harvest” to “Ronzoni”

(a)(12) In response to USDA’s decision to add whole wheat pita bread as a new whole grain option in the Final Rule, the Department is proposing to create a Whole Wheat Pita Bread Subcategory in the Whole Grains Category. (7 C.F.R. § 246.10(e)(12), table 4; 89 Fed.Reg. 28488, 28526 (Apr. 18, 2024).) Specifically, the Department is proposing to authorize any Brand of non-organic whole wheat pita bread in the expanded size range that has “100% Whole Wheat” printed on the front label.

The Department’s proposal to authorize whole wheat pita bread as a whole grain option for California WIC participants is based on several factors.

First, when deciding whether to authorize a type of food, the Department considers the food’s availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found there are several whole wheat pita bread products in the expanded size range available at a variety of California stores.

Second, the Department is proposing to authorize whole wheat pita bread based on data demonstrating this is a popular option for both adult and child participants. In its 2024 Participant Survey, the Department asked participants about their preferences for the new whole grain options added by USDA in the Final Rule. Out of the sixteen new whole grain options in the survey, whole wheat pita bread was the fifth-most frequently selected choice by adult respondents, with approximately 24 percent identifying whole wheat pita bread as a food they would like to purchase for themselves. In addition, whole wheat pita bread was the fourth-most frequently-selected option for children, with approximately 24 percent of respondents selecting it as a new whole grain option they would like to purchase for their child(ren).

Finally, the Department evaluated the potential cost impact of authorizing whole wheat pita bread as a whole grain option. The Department observed that the cost of whole wheat pita bread is somewhat comparable to the cost of the most popular current whole grain option, which is whole wheat bread. A comparison between the 2025 Store Survey’s price data for non-organic whole wheat pita bread and the Department’s 2024

redemption data for whole wheat bread revealed that the average cost per ounce of whole wheat pita bread ($0.28) is slightly less than the average cost per ounce of whole wheat bread in the currently authorized 16 ounce package size ($0.29). The Department also compared the 2025 Store Survey's price data for the average cost per ounce of whole wheat pita bread ($0.28) with the estimated average cost per ounce of whole wheat bread in the expanded size range ($0.21). Acknowledging the potential cost increase associated with this proposal to authorize non-organic whole wheat pita bread, the Department is proposing to move forward with this change in order to increase the availability of whole grain options participants are interested in purchasing, and in so doing, help support the consumption of whole grains and improve nutritional outcomes for WIC families.

(a)(12)(A) The Department is proposing to authorize whole wheat pita bread as an Any Brand Food. As indicated below in the Statement of Reasons for proposed subsection (a)(12)(A)2., the Department is proposing to require that all authorized whole wheat pita bread include the words "100% Whole Wheat" printed on the front label. This labeling requirement is identical to the one for whole wheat bread. (W.B.R. § 82950(a)(6)(A)2.) Since this requirement will help participants easily identify whether a product is authorized by looking at the front label, the Department is proposing to make whole wheat pita bread an Any Brand Food.

(a)(12)(A)1. The Department is proposing to authorize whole wheat pita bread in the expanded 12 ounce to 48 ounce package size range for the reasons explained above in the Statement of Reasons for section 82950.

(a)(12)(A)2. As noted above, the Department is proposing to require that authorized whole wheat pita bread have "100% Whole Wheat" printed on the front label. This requirement matches the existing labeling requirement for whole wheat bread. (See W.B.R. § 82950(a)(6)(A)2.) Adopting the same labeling requirement for all authorized forms of whole wheat bread products—i.e., bread, buns, rolls, bagels, English muffins, and pita bread—will benefit participants by simplifying the product selection and shopping process.

(a)(12)(B) The Department is proposing to authorize whole wheat pita bread made by an in-store bakery if it meets the requirements of subsection (a)(12) and its subparts. This proposal matches the existing provision for whole wheat bread (W.B.R. § 82950(a)(6)(B)) and would make the authorization requirements consistent for all forms of whole wheat bread products. This uniformity, in turn, will benefit participants by simplifying the product selection and shopping process.

(A)(12)(C) The Department is proposing to specify which whole wheat pita bread products are **never** authorized in order to help WIC participants and WIC authorized vendors identify which products are not authorized for this new CDPH Food Subcategory.

(a)(12)(C)1. The Department is proposing to prohibit organic whole wheat pita bread because organic foods are generally more expensive than non-organic foods. Prohibiting organic whole wheat pita bread is consistent with USDA's guidance encouraging State agencies to "limit organic products" to help contain food costs. (U.S. Dept. of Agr., Food & Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), pp. 35-36.)

(a)(13)(A) The Department held an RFI for whole wheat tortillas in summer 2025. The RFI was intended to (1) confirm that currently authorized Brands' products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 82950) and (2) solicit additional Brands with whole wheat tortilla products for authorization.

Based on the information received during the RFI, the Department is proposing to amend its authorization requirements for products in the Whole Wheat Tortillas Subcategory to authorize products by Brand rather than Brand and product name. This is because during the summer 2025 RFI, the Department determined that all of the Brands listed in proposed subsections (a)(13)(A)1. through (a)(13)(A)18. make products that meet federal and state requirements.

The Department is also proposing to authorize whole wheat tortillas in the expanded 12 ounce to 48 ounce package size range. The Department's proposal to authorize the expanded size range of whole wheat tortillas is based on several factors. In addition to the reasons discussed in the Statement of Reasons for section 82950, the Department considered both the availability and pricing of whole wheat tortilla products in the expanded size range.

The Department considers a food's availability to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. In its 2025 Store Survey, the Department found there are additional whole wheat tortilla products in the expanded size range available at a variety of California stores.

The Department also evaluated the potential cost impact of authorizing whole wheat tortillas in the expanded size range. A comparison between the Department's 2024 redemption data for whole wheat tortillas and the pricing data from the 2025 Store Survey indicated that authorizing the expanded size range would result in an average cost of $0.16 per ounce for whole wheat tortillas. This is less than the average cost of $0.22 per ounce for the currently authorized 16 ounce package size.

Overall, changing the authorized size to the expanded size range will, on average, be less expensive than the currently authorized size and will provide participants with more flexibility and options when purchasing whole wheat tortillas.

(a)(13)(A)1.-(a)(13)(A)18. In order to implement the amendments described above, the Department is proposing to repeal the current list of whole wheat tortillas authorized by

Brand and product names in current subsections (a)(8)(A)1. through (a)(8)(A)21. and replace them with proposed subsections (a)(13)(A)1. through (a)(13)(A)18., which would authorize **any** non-organic whole wheat tortillas in the expanded package size range made by the listed Brands.

The Department is proposing to authorize all Brands that participated in the RFI with whole wheat tortilla products that comply with federal criteria and proposed state criteria for whole wheat tortillas. Brands of whole wheat tortillas that are not currently authorized are identified below under “Add.”

As part of this Alert, and as shown below, the Department is proposing to remove Brands from the current list of authorized whole wheat tortillas if (1) the product has been discontinued or (2) the Department was unable to verify the Brands’ products’ continued eligibility for authorization because no information was submitted as part of the RFI. These Brands are identified below under “Remove.”

Based on these factors, the Department is proposing to amend the list of authorized whole wheat tortillas Brands as specified below.

Add:

- Early On
- Goya
- Northgate Market
- Raley’s
- Vallarta Supermarkets

Remove:

- Frestillas
- Herdez
- IGA
- Market Pantry
- Mi-Rancho Tortillas
- Ortega

(a)(14)(B) The Department is proposing to expand the existing prohibition against refrigerated or frozen bread, tortillas, rice, oats, or pasta to prohibit all “[w]hole grains that are refrigerated or frozen.” With the proposed addition of new whole grain products, the Department is proposing to modify this prohibition to prohibit refrigerated or frozen forms of all whole grains, not just the ones listed in current subsection (a)(9)(B). The refrigerated and frozen forms of these foods tend to be more expensive than non-

refrigerated or non-frozen forms. Prohibiting the purchase of refrigerated and frozen whole grains helps to minimize the amount of food dollars the Department spends on whole grains while still providing participants with the nutrition benefits of consuming whole grains in their shelf-stable forms.

(a)(14)(C) The Department is proposing to add a prohibition against brown rice, bulgur, corn masa flour, whole grain barley, whole grain cornmeal, and whole wheat pasta with added sugars, fats, oils, or salt. Federal regulation prohibits WIC State agencies from authorizing certain whole grain options with added sugars, fats, oils, or salts. (7 C.F.R. § 246.10(e)(12), table 4.) USDA has clarified that this prohibition "does not apply" to products like whole wheat bread, pita bread, English muffins, and bagels, for which "[a] certain amount of fats, sugars, salt, and oils may be required" as part of the manufacturing process. (U.S. Dept. of Agr., Food & Nutrition Service, *Whole Wheat and Whole Grain Bread, Whole Grain Options* (Jan. 16, 2025) <https://www.fns.usda.gov/wic/food-packages/qas/wholegrains> [as of Dec. 17, 2025].)

(a)(14)(F) The Department is proposing to prohibit whole grains with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(14)(G) The Department is proposing to prohibit whole grains with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)

Proposed Amendments: 83000 WIC Authorized Food List Yogurt.

(a) Yogurt Category

(1) ~~Whole c~~ Cow's milk yogurt is authorized in the following fat levels ~~Yogurt Category as the standard yogurt for issuance to one-year-old (12 through 23 months) children. Whole cow's milk yogurt is authorized~~ and is available for purchase only when ~~whole yogurt~~ the fat level is included in ~~a~~ the participant's electronic benefits ~~or is printed on the participant's food instrument.~~:

(A) Nonfat (fat free);

(B) Lowfat; and

(C) Whole.

~~(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.~~

(2)~~(3)~~ The following cow's milk yogurts, as identified by ~~b~~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. Peach (lowfat)

2.~~1.~~ Plain (~~nonfat,~~ lowfat)

3.~~2.~~ Strawberry (lowfat)

4.~~3.~~ Vanilla (lowfat)

~~(C) Crystal~~

~~1. Plain (low fat)~~

(C) Best Yet

1. Plain (nonfat)

(D) Brown Cow

1. Cream Top Plain (whole)
2. Cream Top Vanilla (whole)

(E)~~(D)~~ Dannon

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

(F)~~(E)~~ Early On

1. ~~Plain (fat free)~~
1.~~2.~~ Strawberry (lowfat or whole)
2. Vanilla (lowfat or whole)

(G)~~(F)~~ Essential Everyday

1. ~~Blended~~ Plain (~~fat free~~ nonfat~~,~~ or lowfat~~, or whole~~)
2. ~~Blended Strawberry (lowfat)~~
3. ~~Blended Vanilla (lowfat)~~

(H)~~(G)~~ Great Value

1. Plain (nonfat)
2. ~~Strawberry (lowfat)~~
3. ~~Vanilla (lowfat)~~

(I)~~(H)~~ Kroger

1. ~~Blended~~ Plain (lowfat)
2. ~~Plain (nonfat)~~

(J)~~(I)~~ LALA

1. Plain (low fat)
2. Mango (low fat)
3. Strawberry (low fat)
4.~~2.~~ Vanilla (low fat)

(K)~~(J)~~ Lucerne

1. Peach (lowfat)
2.~~1.~~ Plain (~~fat free~~ nonfat~~,~~ or whole)

~~2. Strawberry (lowfat~~)

~~(K) Market Pantry~~

~~1. Plain (nonfat)~~

(L) Mountain High

1. Plain (fat free, low fat, or whole)
2. Strawberry (whole)
3. Vanilla (~~fat free,~~ low fat, or whole)

(M) Nancy's

1. Probiotic Plain (nonfat or lowfat)
2. Probiotic Vanilla (nonfat)

~~(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)~~

(P)~~(Q)~~ WinCo Foods

1. Plain (nonfat~~,~~ or whole)

~~2. Strawberry (lowfat)~~

~~3. Vanilla (lowfat)~~

(Q)~~(R)~~ Yoplait

1. ~~Plain (nonfat)~~ Original Blueberry (low fat)
2. Original Harvest Peach (low fat)
3.~~2.~~ Original Strawberry (low fat)
4. Original Strawberry Banana (low fat)

5.~~3.~~ Original Vanilla (low fat)

6. Plain (fat free)

(3)~~(4)~~ The following yogurts are never authorized for purchase as part of the Yogurt Category:

(A) Any type, ~~b~~Brand, fat level, or flavor of yogurt not listed in subsection (a)~~(3)~~(2), including but not limited to Greek yogurt, lactose-free yogurt, ~~soy~~ plant-based 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;

(E) Yogurt with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22;

(F) Yogurt with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73; and

(G)~~(E)~~ Organic yogurt.

Authority

Federal:
7 C.F.R. § 246.10(b)(1)(i), (b)(2)(i) (2025)

7 C.F.R. § 246.10(e)(10), table 2, (e)(12), table 4 (2025)

21 C.F.R. § 73 et seq. (2025)

21 C.F.R. § 101.22 (2025)

Federal Guidelines and Instructions:
United States Department of Agriculture, Food and Nutrition Service, *Special Supplemental Nutrition Program for Women, Infants and Children (WIC) Food Package Policy and Guidance* (Mar. 2018), p.12.

State:
Health & Saf. Code, § 123290

Cal. Code Regs., tit. 22, § 40715, subds. (c)(1)-(4)

Statement of Reasons

83000 As described below, the Department is proposing to extensively restructure current section 83000 and its subsections for clarity, readability, and to account for the transition to an EBT food instrument system.

Under an EBT food instrument system, the foods participants can purchase with their electronic benefits depend on the participant's food package (for example, whether the participant is prescribed whole fat yogurt versus lowfat or nonfat yogurt). The electronic benefits, in turn, limit the quantity, and fat level of yogurt the participant can purchase in store. As explained below in the Statements of Reasons for the affected subsections, the Department is proposing amendments in section 83000 to account for how benefits issuance works in EBT.

(a)(1) As part of the proposed restructuring of section 83000 to improve clarity and readability, the Department is proposing to remove the current regulation text in subsection (a)(1) that refers to whole yogurt. To this end, the Department is proposing to remove the word "Whole" at the beginning of the subsection, the words "whole yogurt" after "for purchase only when," and the text beginning with "Yogurt Category as the standard yogurt for issuance. . ." and ending with "Whole cow's milk yogurt is authorized. . ." As part of the proposed changes to section 83000, the regulation text will no longer describe which food benefits are issued by food package. Instead, the proposed regulation text would authorize yogurt in nonfat (fat free), lowfat, and whole fat levels and would make a specific fat level available for purchase only if it was included in the participant's electronic benefits, which are themselves dependent on the participant's food package. (See, e.g., 7 C.F.R. § 246.10(e)(10), table 2, fn. 9, (e)(11), table 3, fn. 11.) With these changes, the revised regulation text in subsection (a)(1) would read as follows: "Cow's milk yogurt is authorized in the following fat levels and is available for purchase only when the fat level is included in the participant's electronic benefits." This new regulation text would be followed by a colon.

As part of the Department's proposed amendments to current subsection (a)(1), the Department is proposing to remove the phrase "or is printed on the participant's food instrument" to account for the fact that the Department completed the transition to an EBT food instrument system in 2020. Since paper food instruments are no longer in use, this regulation text is obsolete.

(a)(1)(A)-(a)(1)(C) To conform with the Department's other proposed changes to improve the clarity and readability of section 83000, as well as to better reflect how benefits are issued in EBT, the Department is proposing to add proposed subsections (a)(1)(A) through (a)(1)(C), which would list the authorized fat levels for cow's milk yogurt. Specifically, proposed subsection (a)(1)(A) would cover nonfat or fat free yogurt, proposed subsection (a)(1)(B) would cover lowfat yogurt, and proposed subsection (a)(1)(C) would cover whole yogurt.

~~(a)(2)-(a)(2)(E)~~ The Department is proposing to repeal current subsections (a)(2) through (a)(2)(E). Currently, subsections (a)(2) through (a)(2)(E) cover the authorization of lowfat and nonfat cow's milk yogurt for various categories of women and children. These subsections are no longer necessary since, as indicated in the proposed regulation text and Statement of Reasons for subsections (a)(1) and (a)(1)(A) through (a)(1)(C), lowfat or nonfat yogurt would be authorized if it met applicable food authorization criteria and would be available for purchase only if it was included in the

participant's electronic benefits, which are themselves dependent on the participant's food package. (See, e.g., 7 C.F.R. § 246.10(e)(10), table 2, fn. 13, (e)(11), table 3, fn. 15.) Overall, to conform with the Department's other proposed changes to improve the clarity and readability of section 83000, as well as to better reflect how benefits are issued in EBT, the Department is proposing to repeal current subsections (a)(2) through (a)(2)(E) because they are no longer necessary.

(a)(2)(A)-(a)(2)(Q)6. The Department is proposing to restructure and amend the existing list of authorized yogurts in section 83000, including by adding and removing products. With the Department's proposed amendments, authorized yogurts would appear in redesignated subsection (a)(2) and its subparts.

The Department held an RFI for yogurt in summer 2025. The RFI was intended to (1) confirm that currently authorized products continued to meet federal and state authorization requirements (7 C.F.R. § 246.10(e)(12), table 4; W.B.R. § 83000) and (2) solicit additional products for authorization.

For the reasons explained below, the Department is proposing to expand the flavor options for authorized yogurt to include plain, vanilla, and fruit flavors (either single fruit flavors or combinations of fruit flavors).

When conducting the RFI, the Department requested submissions of yogurt in "any fruit flavors" so that it could evaluate current state criteria for authorized yogurt, including whether to authorize new fruit flavors and products.

The Department's proposal to authorize new fruit flavors for yogurt is based on several factors.

First, when deciding whether to authorize a type or flavor of food, the Department considers the food's availability in California stores. The Department considers this factor to ensure that participants will be able to find the food in stores and use their WIC benefits to purchase the food so they can benefit from it nutritionally. The results of the 2025 RFI revealed that only a few additional fruit-flavored yogurt products other than the currently authorized strawberry flavor are currently available in 32 ounce containers in the California marketplace. In addition to strawberry, which is a currently authorized flavor, RFI submissions showed fruit-flavored yogurt was also available in blueberry, mango, peach, and strawberry banana flavors, which are the four additional flavors the Department is proposing to authorize.

Second, the Department is proposing to authorize the four additional flavors based on data demonstrating a strong participant preference for these foods. In the 2024 Participant Survey, approximately 90 percent of adult respondents indicated that they would like to purchase additional flavors of yogurt for themselves and 88 percent indicated that they would like to purchase additional flavors for their child(ren). Peach, blueberry, and mango were the most commonly selected flavors for both adults and children. Providing foods that participants prefer helps the Department meet its goal of

authorizing foods that nutritionally benefit the participant population. A WIC Authorized Food List that contains food products that meet participants' supplemental nutritional needs and that participants are interested in eating helps ensure participants benefit nutritionally by consuming nutrients that may otherwise be missing from their diets.

Third, the Department evaluated the potential cost impact of authorizing the four additional flavors. A comparison of pricing data submitted as part of the 2025 RFI indicated that the three currently authorized flavors (plain, strawberry, and vanilla) had an average price per ounce of $0.13, while the four additional fruit flavors had an average price per ounce of $0.12.

Based on these considerations, and to increase participants' ability to purchase products that fit their dietary needs and preferences and therefore are more likely to be consumed and provide a nutritional benefit, the Department is proposing to expand its authorized flavors of yogurt to include the four additional flavors.

The Department is proposing to authorize all cow's milk yogurt products in 32 ounce containers in plain, vanilla, strawberry, blueberry, mango, peach, or strawberry banana flavors that were submitted during the 2025 RFI, provided that the products meet federal criteria and proposed state criteria. Yogurt products that are not currently authorized are identified below under "Add."

As reflected below, the Department is also proposing to remove products from this section if (1) the product has been discontinued, (2) the product does not meet federal or state criteria for yogurt, or (3) the Department was unable to verify the product's continued eligibility for authorization because no information was submitted as part of the RFI. These products are identified below under "Remove."

Finally, the proposed amendments in this section include minor name changes to some authorized yogurt products. These products are identified below under "Name Change(s)."

Based on the results of the RFI, the Department is proposing to amend the existing list of authorized yogurts as specified below.

Add:

- Berkeley Farms
    - Peach (lowfat)
- Best Yet
    - Plain (nonfat)
- Brown Cow
    - Cream Top Plain (whole)
    - Cream Top Vanilla (whole)
- Early On

    - Strawberry (whole)
    - Vanilla (lowfat or whole)
- LALA
    - Mango (low fat)
    - Strawberry (low fat)
- Lucerne
    - Peach (lowfat)
- Nancy's
    - Probiotic Plain (nonfat or lowfat)
    - Probiotic Vanilla (nonfat)
- Yoplait
    - Original Blueberry (low fat)
    - Original Harvest Peach (low fat)
    - Original Strawberry Banana (low fat)

Remove:

- Alta Dena
    - Strawberry (lowfat)
    - Vanilla (lowfat)
- Berkeley Farms
    - Plain (nonfat)
- Crystal
    - Plain (low fat)
- Dannon
    - Strawberry (whole)
    - Vanilla (lowfat)
- Early On
    - Plain (fat free)
- Essential Everyday
    - Blended Plain (whole)
    - Blended Strawberry (lowfat)
    - Blended Vanilla (lowfat)
- Great Value
    - Strawberry (lowfat)
    - Vanilla (lowfat)
- Kroger

    - Plain (nonfat)
- Lucerne
    - Strawberry (lowfat)
- Market Pantry
    - Plain (nonfat)
- Mountain High
    - Vanilla (fat free)
- Springfield
    - Plain (lowfat)
    - Strawberry (lowfat)
- Stater Bros.
    - Blended Strawberry (lowfat)
    - Blended Vanilla (lowfat)
- Sunnyside Farms
    - Original Strawberry (lowfat)
    - Original Vanilla (lowfat)
- Western Family
    - Plain (low-fat)
- WinCo Foods
    - Strawberry (lowfat)
    - Vanilla (lowfat)

Name Change(s):

- Essential Everyday
    - “Blended Plain (fat free)” to “Plain (nonfat)”
    - “Blended Plain (lowfat)” to “Plain (lowfat)”
- Kroger
    - “Blended Plain (lowfat)” to “Plain (lowfat)”
- Lucerne
    - “Plain (fat free)” to “Plain (nonfat)”
- Yoplait
    - “Plain (nonfat)” to “Plain (fat free)”

(a)(3)(A) The Department is proposing to change the existing prohibition against “soy yogurt” to instead refer to “plant-based yogurt.” Although the requirements for yogurt in this section already specify that authorized products in this CDPH Food Category must be “cow’s milk” yogurts, USDA now includes plant-based yogurt alternatives as foods

that may be authorized by WIC State agencies in 7 Code of Federal Regulations part 246.10(e)(12), table 4. At this time, the Department is not proposing to authorize plant-based yogurts and wants to avoid any confusion regarding which yogurt products may be purchased with a participant's benefits. Therefore, the Department is proposing to expand the existing prohibition against the authorization of soy yogurts in the (cow's milk) Yogurt Category to prohibit all types of plant-based yogurts. This prohibition will help clarify that these products are not authorized by the Department.

(a)(3)(E) The Department is proposing to prohibit yogurt with artificial flavorings, as defined in 21 Code of Federal Regulations part 101.22. The Department is proposing to add this prohibition to align with the nutrition goals of the program and the AAP's policy statement urging the FDA to reform its regulatory processes around food additives, including artificial flavorings, due to health concerns for children. (Trasande et al., *Food Additives and Child Health* (Aug. 2018) Pediatrics <https://publications.aap.org/pediatrics/article/142/2/e20181408/37584/Food-Additives-and-Child-Health> [as of Dec. 10, 2025].) The AAP noted that although "[d]ata about health effects of food additives on infants and children are limited or missing. . . , in general, infants and children are more vulnerable to chemical exposures." (*Id.*) The AAP also recommended, among other things, more robust evaluation of, and data collection for, food additives. (*Id.*)

(a)(3)(F) The Department is proposing to prohibit yogurt with artificial dyes or color additives other than exempt color additives, as defined in 21 Code of Federal Regulations part 73. The Department is proposing to allow exempt color additives because, according to the FDA, exempt color additives are generally "derived from natural sources such as vegetables, minerals, or animals." (See U.S. Food & Drug Admin., *Color Additives in Foods* (July 6, 2023) <https://www.fda.gov/food/color-additives-information-consumers/color-additives-foods> [as of Dec. 10, 2025].) Exclusively allowing natural color additives aligns with USDA's request that the WIC State agencies review their WIC food lists and eliminate or reduce foods with synthetic petroleum-based dyes. (U.S. Dept. of Agr., Food & Nutrition Service, letter to State Health Commissioners (June 17, 2025) <https://fns-prod.azureedge.us/sites/default/files/resource-files/WIC-Letter-to-State-Health-Commissioners-June-2025.pdf> (as of Dec. 10, 2025).)