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REGULATORY BULLETIN 2018-04

NOTICE OF FINAL ACTION

Subject

Final Action on the Notice of Proposed Changes posted as [Regulatory Alert 2018-04](#) on October 12, 2018 at:
<https://www.cdph.ca.gov/Programs/CFH/DWICSN/CDPH%20Document%20Library/LawsandRegulations/RegulatoryAlertandResources/Regulatory%20Alert%202018-04.pdf>.

Date of Adoption

The Final Action will be effective April 2, 2019.

Stakeholder Comments and Responses

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

Regulation

Article 5. WIC Authorized Food List

82100 WIC Authorized Food List: Breakfast Cereal.

(a) Breakfast Cereal Category

- (1) The following breakfast cereals are authorized by brand and product name in twelve (12) ounce to thirty-six (36) ounce boxes or bags in the Breakfast Cereal Category:
 - (A) B & G Foods — Cream of Wheat Whole Grain;¹
 - (B) General Mills — Cheerios;¹
 - (C) General Mills — MultiGrain Cheerios;¹
 - (D) General Mills — Honey Kix;¹
 - (E) General Mills — Kix;¹
 - (F) General Mills — Total Whole Grain;¹
 - (G) Kellogg's — Corn Flakes;
 - (H) Kellogg's — Frosted Mini Wheats Original;¹
 - (I) Kellogg's — Frosted Mini Wheats Little Bites;¹



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

- (X) Western Family; and
 - (Y) WinCo Foods.
- (3) The following instant oatmeals in old-fashioned, classic, regular, or original flavors are authorized by brand in eleven and eight-tenths (11.8) ounce to twelve (12) ounce containers of individual serving packets in the Breakfast Cereal Category:
- (A) Best Yet;¹
 - (B) Early On;¹
 - (C) First Street;¹
 - (D) Food Club;¹
 - (E) Great Value;¹
 - (F) Hy-Vee;¹
 - (G) IGA;¹
 - (H) Kroger;¹
 - (I) Raley's;¹
 - (J) Ralston Foods;¹
 - (K) Red & White;¹
 - (L) Shurfine;¹
 - (M) Signature ~~Kitchens~~Select;¹
 - (N) Special Value;¹
 - (O) Springfield;¹
 - (P) Stater Bros;¹
 - (Q) Sunny Select;¹
 - (R) Western Family;¹ and
 - (S) WinCo Foods.¹
- (4) The following types of breakfast cereal are never authorized for purchase as part of the Breakfast Cereal Category:
- (A) Grits;
 - (B) Hot breakfast cereal with added fruits and nuts;
 - (C) Hot breakfast cereal with added sweeteners, including sugar, artificial sweeteners, reduced-calorie sweeteners, or no-calorie sweeteners; and
 - (D) Organic cereal.

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

82250 WIC Authorized Food List: Cheese.

(a) Cheese Category

- (1) Any brand of non-organic cheese is authorized in the Cheese Category when the cheese has all of the following characteristics:
 - (A) Is made in the United States of America;
 - (B) Is sold in a sixteen (16) ounce package in one of the following ways:
 1. Individually wrapped mozzarella string-cheese sticks; or
 2. Blocks or rounds of the following cheeses:
 - A. Orange, white, or yellow cheddar (mild, medium, sharp, or longhorn)
 - B. Colby
 - C. Jack
 - D. Mozzarella
 - E. Marbled or blends of cheeses authorized by this subsection (for example, colby-jack)
 - (C) Is of regular fat content, lowfat, or fat free;
 - (D) Is of regular sodium content or low sodium; and
 - (E) Is pasteurized.
- (2) The following types of cheese are never authorized for purchase as part of the Cheese Category:
 - (A) Diced, grated, sliced, crumbled, or shredded cheese;
 - (B) Cheese that is purchased from or sliced at the deli;
 - (C) Cheese with added ingredients, including but not limited to peppers or spices; and
 - (D) Organic Cheese.

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

(a) Dry Beans, Peas, or Lentils Category

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

- (E) Kidney;
 - (F) Lentils;
 - (G) Lima;
 - (H) Mixed;
 - (I) Navy;
 - (J) Pink;
 - (K) Pinto;
 - (L) Red; and
 - (M) Split peas.
- (3) The following types of beans, peas, or lentils are never authorized for purchase as part of the Dry Beans, Peas, or Lentils Category:
- (A) Canned or frozen beans, peas, or lentils;
 - (B) Dry beans, peas, or lentils with added sugars, fats, or oils;
 - (C) Dry beans, peas, or lentils with added vegetables, fruits, or meat;
 - (D) Dry beans, peas, or lentils with artificial, reduced-calorie, or no calorie sweeteners;
 - (E) Dry beans, peas, or lentils with flavors or spices or bean soup mixes with flavoring packets or spices;
 - (F) Soy nuts; and
 - (G) Dry beans, peas, or lentils that are sold in bulk and not pre-packaged.

82500 WIC Authorized Food List: Fruits and Vegetables.

- (a) Fruits and Vegetables Category
 - (1) All food items authorized in the Fruits and Vegetables Category and subcategories are authorized for purchase using a cash value voucher.
 - (2) Fresh Fruits and Vegetables Subcategory
 - (A) Any type, variety, and brand of fresh fruits and vegetables in any combination is authorized in the Fresh Fruits and Vegetables Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:
 - 1. Organic or non-organic fresh fruits and vegetables;
 - 2. Whole or cut fresh fruits and vegetables;
 - 3. Bagged fresh fruits and vegetables;
 - 4. Bagged or packaged salad mixtures; and
 - 5. Garlic, onion, ginger, jalapeños, peppers, and chilies.
 - (B) The following foods are never authorized for purchase as part of the Fresh Fruits and Vegetables Subcategory:

1. Food or products from a salad bar or deli; party trays; fruit baskets; and decorative vegetables and fruits, including but not limited to chilies or garlic on a string and painted pumpkins;
 2. Nuts or fruit-nut mixtures;
 3. Edible blossoms, such as squash blossoms;
 4. Bagged salad with added ingredients, such as dressing, croutons, and cheese;
 5. Vegetable or fruit kits with added ingredients, such as dressing, cheese, dips, or sauces;
 6. Dried vegetables;
 7. Herbs and spices, such as parsley, basil, cilantro, and mint;
 8. Fruits and vegetables with added fats, oils, or sugars; and
 9. Fruits and vegetables with artificial, reduced-calorie, or no-calorie sweeteners.
- (3) Dried Fruits Subcategory
- (A) Any variety, size, and brand of dried fruits without added fats, sugars, or oils in any type of container is authorized as part of the Dried Fruits Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:
1. Organic or non-organic dried fruits;
 2. Freeze-dried fruits; and
 3. Dried fruits with or without pits.
- (B) The following foods are never authorized for purchase as part of the Dried Fruits Subcategory:
1. Dried fruits with artificial, reduced-calorie, or no-calorie sweeteners;
 2. Dried fruits with added artificial or natural flavors, including essences;
 3. Dried or freeze-dried vegetables;
 4. Fruit snacks or fruit bites;
 5. Trail mix; and
 6. Dried fruits that are sold in bulk and not pre-packaged.
- (4) Canned Fruits Subcategory
- (A) Any brand, variety, and size of canned fruits in any type of container that are packed in water or juice and do not contain added sugars are authorized in the Canned Fruits Subcategory of the Fruits and Vegetables Category. This includes but is not limited to the following:
1. Organic or non-organic canned fruits;

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

tomato sauces (tomato, pizza, or spaghetti);

8. Canned mature beans, including but not limited to black-eyed peas, kidney beans, and pinto beans; and
9. Home-canned or home-preserved vegetables.

(6) Frozen Fruits Subcategory

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

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

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

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

(7) Frozen Vegetables Subcategory

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

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

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

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

82550 WIC Authorized Food List: Infant Cereal.

(a) Infant Cereal Category

- (1) The following infant cereals are authorized by brand and product name in eight (8) ounce or sixteen (16) ounce containers in the Infant Cereal Category:
 - (A) Beech-Nut — Multigrain;
 - (B) Beech-Nut — Oatmeal;
 - (C) Beech-Nut — Organic Multigrain;
 - (D) Beech-Nut — Organic Oatmeal;
 - (E) Beech-Nut — Rice Single Grain;
 - (F) Early On — Oatmeal;
 - (G) Earth's Best Organic — Whole Grain Multi-Grain;
 - (H) Earth's Best Organic — Whole Grain Oatmeal;
 - (I) Earth's Best Organic — Whole Grain Rice;
 - (J) Gerber — Barley;
 - (K) Gerber — MultiGrain;
 - (L) Gerber — Oatmeal;
 - (M) Gerber — Organic Oatmeal;
 - (N) Gerber — Organic Rice;
 - (O) Gerber — Rice;
 - (P) Gerber — Whole Wheat;
 - (Q) Mom's Choice — Rice; and
 - (R) Yummy Naturals — Multigrain.
- (2) The following types of infant cereal are never authorized for purchase as part of the Infant Cereal Category:
 - (A) Infant cereal with added ingredients, including formula, milk, fruits, vegetables, probiotics, and DHA; and
 - (B) Infant cereal with added sugars, artificial sweeteners, reduced-calorie sweeteners, and no-calorie sweeteners.

82600 WIC Authorized Food List: Infant Formula.

(a) Infant Formula Category

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

- (A) Authorized contract infant formula must meet the requirements in 7 Code of Federal Regulations part 246.10(e)(12), table 4 (2015), and is selected through a competitive bidding process. The list of the current contract formulas can be found at:
<https://www.cdph.ca.gov/Programs/CFH/DWICSN/CDPH%20Document%20Library/WICFoods/FormulaFlyerEn.pdf>.
- (3) Non-Contract Formula
 - (A) Non-contract brand infant formula is all infant formula that is not covered by an infant formula cost containment contract awarded by the State agency. Non-contract brand formula may only be issued in food package III for participants with qualifying conditions with medical documentation pursuant to 7 Code of Federal Regulations part 246.10(d)(1)(i) (2015).
- (4) The following types of infant formula are never authorized for purchase as part of the Infant Formula Category:
 - (A) Low iron or no iron formula.

82650 WIC Authorized Food List: Infant Fruits and Vegetables.

- (a) Infant Fruits and Vegetables Category
 - (1) Any infant fruits and/or vegetables product made by the brands listed in (a)(2)(A)-(Q) is authorized in the Infant Fruits and Vegetables Category when it has 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 brands are authorized in the Infant Fruits and Vegetables Category:
 - (A) Beech-Nut;
 - (B) Early On;
 - (C) Earth's Best Organic;
 - (D) First Choice;
 - (E) Gerber;
 - (F) Happy Baby Organics;
 - (G) Mom's Natural Choice;
 - (H) Mom's Organic Choice;
 - (I) O Organics;

- (J) Parent's Choice;
 - (K) Pic Select Fresh;
 - (L) Raley's Organic;
 - (M) Tippy Toes;
 - (N) Tippy Toes Organic;
 - (O) Wild Harvest;
 - (P) Yummy Naturals; and
 - (Q) Yummy Organics.
- (3) The following infant foods are never authorized for purchase as part of the Infant Fruits and Vegetables Category:
- (A) Infant fruits and vegetables in pouches;
 - (B) Infant fruits and vegetables mixed with cereal, meat, pasta, or rice;
 - (C) Infant fruits and vegetables with added sugars, salt, spices, starch, fiber, or DHA;
 - (D) Infant fruits and vegetables with added sweeteners including artificial, reduced-calorie, or no-calorie sweeteners;
 - (E) Infant fruits and vegetables that do not list a fruit or vegetable as the first ingredient;
 - (F) Dried or powdered infant fruits and vegetables;
 - (G) Infant desserts, puddings, or smoothies;
 - (H) Infant juice;
 - (I) Infant dinners; and
 - (J) Graduates or toddler infant food.

82700 WIC Authorized Food List: Infant Meats.

(a) Infant Meats Category

- (1) Any infant meat or poultry product made by the brands listed in (a)(2)(A)-(K) is authorized in the Infant Meats Category when it has all of the following characteristics:
- (A) Meat or poultry is the single major ingredient;
 - (B) Is sold in two and a half (2.5) ounce containers other than pouches;
 - (C) Is sold individually or in multi-packs;
 - (D) Is organic or non-organic; and
 - (E) May contain added broth or gravy.
- (2) The following brands are authorized in the Infant Meats Category:
- (A) Beech-Nut;

- (B) Early On;
 - (C) Earth's Best Organic;
 - (D) Gerber;
 - (E) Mom's Natural Choice;
 - (F) O Organics;
 - (G) Raley's Organic;
 - (H) Tippy Toes;
 - (I) Tippy Toes Organic;
 - (J) Wild Harvest; and
 - (K) Yummy Naturals.
- (3) The following infant foods are never authorized for purchase as part of the Infant Meats Category:
- (A) Infant meats in pouches;
 - (B) Infant meats with added sugars, salt, spices, fiber, or DHA;
 - (C) Infant meats with artificial, reduced-calorie, or no-calorie sweeteners;
 - (D) Infant meats mixed with vegetables, fruits, cereal, pasta, or rice;
 - (E) Infant dinners; and
 - (F) Graduates or toddler infant food.

82750 WIC Authorized Food List: Milk.

(a) Milk Category

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

- package issuance to one-year-old children (12 through 23 months). Whole milk is authorized for purchase when it meets the requirements in section (a)(1)(A), (C), and (D) and only when it is the type of milk included in a participant's electronic benefits or is printed on a participant's food instrument. Half gallon containers of whole milk are authorized only when prescribed as part of a participant's food package pursuant to section (a)(2).
- (4) Two percent (2%) milk is authorized in the Milk Category as part of the participant food package issued to one-year-old children (12 through 23 months) for whom overweight or obesity is a concern when prescribed by a competent professional authority, based on an individual nutritional assessment. Two percent (2%) milk is authorized for purchase when it meets the requirements in section (a)(1)(A), (C) and (D) and only when it is included in a participant's electronic benefits or is the type of milk printed on a participant's food instrument. Half gallon containers of two percent (2%) milk are authorized only when prescribed as part of a participant's food package pursuant to section (a)(2).
 - (5) Lactose-free milk in half gallon containers is authorized in the Milk Category as part of a participant's food package when requested by a participant. Lactose free milk in half gallon containers is authorized for purchase when it meets the requirements in section (a)(1)(A)-(C) and only when half gallon lactose-free milk is included in a participant's electronic benefits or is printed on a participant's food instrument. Whole lactose-free milk in half gallon containers is authorized in the Milk Category as part of standard food package issuance to one-year-old children when half gallon whole lactose-free milk is included in a participant's electronic benefits or is printed on a participant's food instrument.
 - (6) Evaporated milk in twelve (12) ounce containers is authorized in the Milk Category as part of a participant's food package when requested by a participant. Evaporated milk that is one percent (1%) lowfat or nonfat (fat free or skim) in twelve (12) ounce containers is authorized for purchase when it meets the requirements in sections (a)(1)(B)-(C) above and only when it is the type and fat-level of milk included in a participant's electronic benefits or is printed on a participant's food. Whole evaporated milk in twelve (12) ounce containers is authorized for purchase when it meets the requirements in section (a)(1)(C) above and only when whole evaporated milk is included in a participant's electronic benefits or is printed on a participant's food instrument.
 - (7) Powdered dry milk in nine and six tenths (9.6) ounce and twenty-five and six tenths (25.6) ounce containers is authorized in the Milk Category as part of a participant's food package when requested by a participant. Pasteurized powdered dry milk that is nonfat (fat free or skim) in nine and six-tenths (9.6) ounce and twenty-five and six-tenths (25.6) ounce containers is authorized for purchase only when it is included in a participant's electronic benefits or is the type of milk printed on a participant's food instrument.
 - (8) The following types of milk are never authorized for purchase in the Milk Category:
 - (A) Unpasteurized (raw) milk;

- (B) Cultured milks, such as acidophilus milk, buttermilk, or kefir milk;
- (C) Specialty milks, other than those listed in (a)(5)-(7), such as calcium-fortified milk, milk with added DHA, Ultra Heat Treated (UHT) shelf-stable milk, A2 milk, ultra-filtered milk, or protein-fortified milk;
- (D) Flavored milk, including but not limited to chocolate or strawberry;
- (E) Goat's milk;
- (F) Soy milk;
- (G) Non-dairy milk substitutes;
- (H) Milk sold in pint sized containers;
- (I) Milk in glass bottles;
- (J) Sweetened condensed or filled milk; and
- (K) Organic milk.

82800 WIC Authorized Food List: Peanut Butter.

(a) Peanut Butter Category

- (1) Any brand of peanut butter is authorized in the Peanut Butter Category when it has all of the following characteristics:
 - (A) Conforms to the F.D.A. standard of identity for peanut butter in 21 Code of Federal Regulations part 164.150;
 - (B) Is sold in sixteen (16) to eighteen (18) ounce containers; and
 - (C) Is of regular or low sodium content.
- (2) Authorized peanut butters may be any texture, such as:
 - (A) Creamy;
 - (B) Smooth;
 - (C) Crunchy;
 - (D) Super crunchy;
 - (E) Chunky;
 - (F) Super chunky; and/or
 - (G) Old fashioned or natural.
- (3) The following varieties of peanut butter are never authorized for purchase as part of the Peanut Butter Category:
 - (A) Honey nut roasted peanut butter;
 - (B) "Grind your own" peanut butter;
 - (C) Peanut butter spread;
 - (D) Lowfat or reduced fat peanut butter;
 - (E) Peanut butter with added ingredients, such as jams, jellies, chocolate,

- marshmallows, or honey;
- (F) Peanut butter with added supplements, such as omega-3 fatty acids or flax seed;
- (G) Peanut butter with artificial, reduced-calorie, or no-calorie sweeteners; and
- (H) Organic peanut butter.

82850 WIC Authorized Food List: Soy.

(a) Soy Category

- (1) The following soy-based beverage products are authorized in the Soy Category:
 - (A) 8th Continent Soymilk
 - 1. Original flavor; and
 - 2. Sold in refrigerated half gallon containers.
 - (B) Great Value Soymilk
 - 1. Original flavor; and
 - 2. Sold in refrigerated half gallon containers.
 - (C) Pacific Ultra Soy
 - 1. Original flavor; and
 - 2. Sold in shelf-stable quart-sized containers.
 - (D) Silk Soymilk
 - 1. Original flavor; and
 - 2. Sold in refrigerated half gallons or refrigerated quart-sized containers.
 - (E) WESTSOY Organic Plus Soymilk
 - 1. Plain flavor; and
 - 2. Sold in shelf-stable quart-sized containers.
- (2) All authorized soy-based beverages are authorized both individually and in multi-packs.
- (3) The following types of soy-based beverages are never authorized for purchase as part of the Soy Category:
 - (A) Flavored soy-based beverage, such as chocolate or vanilla;
 - (B) Light, lowfat, fat free, and non-fat soy-based beverage; and
 - (C) Unsweetened soy-based beverage.

82900 WIC Authorized Food List: Tofu.

(a) Tofu Category

(1) The following tofus, as identified below by brand/product name and texture, in sixteen (16) ounce packages are authorized in the Tofu Category:

(A) Azumaya

1. Extra Firm
2. Firm
3. Silken

(B) House Foods

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

(C) Nasoya

1. Organic Silken

(D) O Organics

1. Organic Sprouted Super Firm

(2) The following types of tofu are never authorized for purchase as part of the Tofu Category:

- (A) Tofu with added fats, sugars, sweeteners (artificial, reduced-calorie, or no-calorie), oils, sodium, flavoring, or seasoning;
- (B) Cubed, dried, baked, or fried tofu; and
- (C) Tofu that is sold in bulk and not pre-packaged.

82950 WIC Authorized Food List: Whole Grains.

(a) Whole Grains Category

(1) Brown Rice Subcategory

(A) Any brand of brown rice is authorized in the Brown Rice Subcategory of the Whole Grains Category when it has all of the following characteristics:

1. Is sold in sixteen (16) ounce packages;
2. Is of any variety of brown rice, such as basmati and jasmine;
3. Is short, medium, or long grain; and
4. Is regular, quick, or instant.

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

1. Ready-to-serve rice;

2. Brown rice mixed with any other type of rice; and
 3. Organic brown rice.
- (2) Bulgur Subcategory
- (A) Any brand of bulgur is authorized in the Bulgur Subcategory of the Whole Grains Category when it has the following characteristics:
1. Is sold in sixteen (16) ounce packages; and
 2. Is organic or non-organic.
- (3) Corn Tortillas Subcategory
- (A) The following soft corn tortillas (white or yellow), identified by brand and product name, in sixteen (16) ounce packages are authorized in the Corn Tortillas Subcategory of the Whole Grains Category:
1. Chavez Supermarket — Corn Tortillas
 2. Chi-Chi's — White Corn Taco Style Tortillas
 3. Don Pancho — White Corn Tortillas
 4. El Comal — Corn Tortillas
 5. El Super — Tortillas De Maiz
 6. Essential Everyday — White Corn Tortillas 5.5" Soft Taco Style
 7. Guerrero — Tortillas de Maiz Blanco
 8. IGA — White Corn Tortillas
 9. Kroger — Yellow Corn Tortillas
 10. La Banderita — Corn Tortillas
 11. La Banderita — Grande Corn Tortillas
 12. La Banderita — Yellow Corn Tortillas
 13. La Burrita — Corn Tortillas
 14. Mi-Rancho Tortillas — Soft White Corn Tortillas
 15. Mission — Yellow Corn Tortillas Extra Thin
 16. Northgate Market — White Corn Tortillas de Maiz
 17. Northgate Market — Yellow Corn Tortillas de Maiz
 18. Ozuna — Corn Tortillas
 19. Romero's — Whole Grain Corn Tortillas
 20. Tortilleria Santacruz — Corn Tortillas
- (B) The following type of Corn Tortillas is never authorized for purchase as part of the Corn Tortillas Subcategory:
1. Organic Corn Tortillas.
- (4) Oatmeal or Oats Subcategory

- (A) Any brand of oatmeal or oats is authorized in the Oatmeal or Oats Subcategory of the Whole Grains Category when it has all of the following characteristics:
 - 1. Is sold in sixteen (16) ounce packages;
 - 2. Is plain;
 - 3. Is of any variety of oatmeal or oats, including old fashioned or crystal wedding;
 - 4. Is rolled, cut, or steel cut; and
 - 5. Is regular-cooking, instant-cooking, or quick-cooking.
 - (B) The following types of oatmeal or oats are never authorized for purchase as part of the Oatmeal or Oats Subcategory:
 - 1. Individual and flavored oatmeal packets; and
 - 2. Organic oatmeal or oats.
- (5) Whole Grain Barley Subcategory
- (A) Any brand of whole grain barley is authorized in the Whole Grain Barley Subcategory of the Whole Grains Category when it has the following characteristics:
 - 1. Is sold in sixteen (16) ounce packages; and
 - 2. Is organic or non-organic.
 - (B) The following type of barley is never authorized for purchase as part of the Whole Grain Barley Subcategory:
 - 1. Pearled barley.
- (6) Whole Wheat Bread Subcategory
- (A) Any brand of whole wheat bread (loaves, buns, or rolls) is authorized in the Whole Wheat Bread Subcategory of the Whole Grains Category when it has all of the following characteristics:
 - 1. Is sold in sixteen (16) ounce packages; and
 - 2. The package has “100% Whole Wheat” printed on the front label.
 - (B) Whole wheat bread (loaves, buns, or rolls) made by an in-store bakery is allowed if it meets the requirements of subsection (A).
 - (C) The following type of whole wheat bread is never authorized for purchase as part of the Whole Wheat Bread Subcategory:
 - 1. Organic whole wheat bread.
- (7) Whole Wheat Pasta Subcategory
- (A) The following whole wheat pastas, identified by brand and product name, in sixteen (16) ounce packages are authorized in the Whole Wheat Pasta Subcategory of the Whole Grains Category:
 - 1. Allegra — Whole Wheat Spaghetti

2. Barilla — Whole Grain Angel Hair
3. Barilla — Whole Grain Elbows
4. Barilla — Whole Grain Linguine
5. Barilla — Whole Grain Medium Shells
6. Barilla — Whole Grain Penne
7. Barilla — Whole Grain Rotini
8. Barilla — Whole Grain Spaghetti
9. Barilla — Whole Grain Thin Spaghetti
10. Essential Everyday — Whole Wheat Elbow Macaroni
11. Essential Everyday — Whole Wheat Penne Rigate
12. Essential Everyday — Whole Wheat Rotini
13. Essential Everyday — Whole Wheat Spaghetti
14. Essential Everyday — Whole Wheat Thin Spaghetti
15. Full Circle — Organic Whole Wheat Angel Hair
16. Full Circle — Organic Whole Wheat Spaghetti
17. Great Value — Whole Wheat Elbows
18. Great Value — Whole Wheat Linguine
19. Geat Value — Whole Wheat Penne
20. Great Value — Whole Wheat Rotini
21. Great Value — Whole Wheat Spaghetti
22. Great Value — Whole Wheat Thin Spaghetti
23. Hodgson Mill — Whole Wheat Angel Hair
24. Hodgson Mill — Whole Wheat Elbows
25. Hodgson Mill — Whole Wheat Spaghetti
26. Hodgson Mill — Whole Wheat Spirals
27. Hodgson Mill — Whole Wheat Thin Spaghetti
28. Kroger — 100% Whole Grain Penne Rigate
29. Kroger — 100% Whole Grain Rotini
30. Kroger — 100% Whole Grain Spaghetti
31. Kroger — 100% Whole Grain Thin Spaghetti
32. O Organics — Organic Whole Wheat Elbow Macaroni
33. O Organics — Organic Whole Wheat Linguine
34. O Organics — Organic Whole Wheat Penne Rigate
35. O Organics — Organic 100% Whole Wheat Rotini

36. O Organics — Organic 100% Whole Wheat Spaghetti
37. O Organics — Organic Whole Wheat Thin Spaghetti
38. Racconto — Whole Wheat Capellini
39. Racconto — Whole Wheat Elbows
40. Racconto — Whole Wheat Farfalle
41. Racconto — Whole Wheat Linguine
42. Racconto — Whole Wheat Penne Rigate
43. Racconto — Whole Wheat Rigatoni
44. Racconto — Whole Wheat Rotini
45. Racconto — Whole Wheat Spaghetti
46. Ronzoni Healthy Harvest — 100% Whole Grain Linguine
47. Ronzoni Healthy Harvest — 100% Whole Grain Penne Rigate
48. Ronzoni Healthy Harvest — 100% Whole Grain Rotini
49. Ronzoni Healthy Harvest — 100% Whole Grain Spaghetti
50. Ronzoni Healthy Harvest — 100% Whole Grain Thin Spaghetti
51. Signature Select — Whole Wheat Elbow Macaroni
52. Signature Select — Whole Wheat Linguine
53. Signature Select — Whole Wheat Penne Rigate
54. Signature Select — Whole Wheat Rotini
55. Signature Select — Whole Wheat Spaghetti
56. Signature Select — Whole Wheat Thin Spaghetti
57. Simple Truth Organic — Organic Whole Wheat Penne Rigate
58. Simple Truth Organic — Organic Whole Wheat Rotini
59. Simple Truth Organic — Organic Whole Wheat Spaghetti
60. Simply Balanced — Organic Whole Wheat Farfalle
61. Simply Balanced — Organic Whole Wheat Penne Rigate
62. Simply Balanced — Organic Whole Wheat Spaghetti
63. Springfield — Whole Wheat Penne Rigate
64. Springfield — Whole Wheat Rotini
65. Western Family — 100% Whole Wheat Penne Rigate
66. Western Family — 100% Whole Wheat Spaghetti
67. WinCo Foods — Whole Wheat Penne
68. WinCo Foods — Whole Wheat Rotini
69. WinCo Foods — Whole Wheat Spaghetti

(8) Whole Wheat Tortillas Subcategory

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

1. Chi-Chi's — Whole Wheat Tortillas Fajita Style
2. Don Pancho — Soft Taco Style Whole Wheat Tortillas
3. El Comal — 100% Whole Wheat Flour Tortillas
4. Essential Everyday — 100% Whole Wheat Flour Tortillas
5. Frestillas — 100% Whole Wheat Tortillas
6. Great Value — Whole Wheat Flour Tortillas
7. Guerrero — Tortillas de Harina Integral
8. Herdez — Whole Wheat Tortillas Fajita Style/Trigo Integral Fajita Style
9. IGA — Whole Wheat Tortillas Taco Style
10. Kroger — 100% Whole Wheat Tortillas Soft Taco Size
11. La Banderita — 100% Whole Wheat Flour Tortillas Fajita
12. La Banderita — 100% Whole Wheat Flour Tortillas Soft Taco
13. Market Pantry — 100% Whole Wheat Tortillas
14. Mi-Rancho Tortillas — Whole Wheat Flour Tortillas
15. Mission — 100% Whole Wheat Flour Tortillas Fajita
16. Mission — 100% Whole Wheat Flour Tortillas Soft Taco
17. Ortega — Whole Wheat Tortillas
18. Ozuna — Whole Wheat Tortillas
19. Romero's — 100% Whole Wheat Grain Flour Tortillas Regular/Soft Taco Size
20. Signature Select — Whole Wheat Flour Tortillas Soft Taco Style
21. Tortilleria Santacruz — 100% Whole Wheat Flour Tortillas

(B) The following type of whole wheat tortillas is never authorized for purchase as part of the Whole Wheat Tortillas Subcategory:

1. Organic whole wheat tortillas.

(9) The following types of whole grains are never authorized for purchase as part of the Whole Grains Category:

- (A) Whole grains that are not plain and that have added ingredients, such as fruits, nuts, or spices;
- (B) Bread, tortillas, rice, oats, or pasta that is refrigerated or frozen;
- (C) Refrigerated or frozen dough and mixes;

- (D) Whole grains with artificial, reduced-calorie, or no-calorie sweeteners;
- (E) Homemade whole grains; and
- (F) Whole grains that are sold in bulk and not pre-packaged.

83000 WIC Authorized Food List: Yogurt.

(a) Yogurt Category

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

2. Strawberry (whole)
 3. Vanilla (lowfat, whole)
- (E) Early On
1. Plain (fat free)
 2. Strawberry (lowfat)
- (F) Essential Everyday
1. Blended Plain (fat free, lowfat, or whole)
 2. Blended Strawberry (lowfat)
 3. Blended Vanilla (lowfat)
- (G) Great Value
1. Plain (nonfat)
 2. Strawberry (lowfat)
 3. Vanilla (lowfat)
- (H) Kroger
1. Blended Plain (lowfat)
 2. Plain (nonfat)
- (I) LALA
1. Plain (low fat)
 2. Vanilla (low fat)
- (J) Lucerne
1. Plain (fat free, whole)
 2. Strawberry (lowfat)
- (K) Market Pantry
1. Plain (nonfat)
- (L) Mountain High
1. Plain (fat free, lowfat, or whole)
 2. Strawberry (whole)
 3. Vanilla (fat free, lowfat, or whole)
- (M) Springfield
1. Plain (lowfat)
 2. Strawberry (lowfat)
- (N) Stater Bros.
1. Plain (fat free)
 2. Blended Strawberry (lowfat)

3. Blended Vanilla (lowfat)
- (O) Sunnyside Farms
 1. Original Plain (lowfat)
 2. Original Strawberry (lowfat)
 3. Original Vanilla (lowfat)
- (P) Western Family
 1. Plain (low-fat)
- (Q) WinCo Foods
 1. Plain (nonfat, whole)
 2. Strawberry (lowfat)
 3. Vanilla (lowfat)
- (R) Yoplait
 1. Plain (nonfat)
 2. Original Strawberry (low fat)
 3. Original Vanilla (low fat)
- (4) The following yogurts are never authorized for purchase as part of the Yogurt Category:
 - (A) Any type, brand, fat level, or flavor of yogurt not listed in (a)(3), including but not limited to Greek yogurt, lactose-free yogurt, soy yogurt, and goat's milk yogurt;
 - (B) Yogurt with mix-in ingredients, such as granola, candy pieces, honey, or nuts;
 - (C) Drinkable yogurts;
 - (D) Yogurt with artificial, reduced-calorie, or no-calorie sweeteners; and
 - (E) Organic yogurt.

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Attachment 1

Regulatory Bulletin 2018-04 WIC Authorized Food List Stakeholder Comments and Responses to Comments

**California Special Supplemental Nutrition Program for Women, Infants, and Children
December 17, 2018**

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Written Comment Letters Received

The California Department of Public Health/Women, Infants, and Children Program (Department) received six comment e-mails in response to the WIC Authorized Food List regulation amendments proposed in Regulatory Alert 2018-04 from the following individuals/organizations:

1. Amanda Silbert, Chobani, October 15, 2018
2. Todd Winer, Albertsons, October 15, 2018
3. Erika Aguayo, Magnolia Foods LLC, October 15, 2018
4. Lois Ennis, Mother's Nutritional Centers, Inc., October 16, 2018
5. Kayla Lunde, TreeHouse Foods, October 18, 2018
6. Greg Spadaro, ADK Strategy Group, LLC, November 2, 2018

Comments Received and Responses

In response to Regulatory Alert 2018-04, the Department received six stakeholder comments. The Department thanks these commenters for participating in the regulatory process and providing input on the proposed regulations. Please read below for the Department's responses to the comments received.

1. **Comment:** Does California still not accept Greek yogurt?

Response: These regulatory amendments did not propose any changes to the prohibition of Greek yogurt found in WIC Bulletin Regulation section 83000(a)(4)(A).

2. **Comment:** 1) Please be sure to reflect our Signature Kitchens to Signature Select name change for the following categories. The regulatory alert still shows as Kitchens.

- Breakfast Cereal
- Instant Oatmeal

2) Could you consider offering Whole Wheat Pasta as "any shape" for approved brands instead specific shapes? We've seen many instances where participants grab the wrong pasta shape by mistake.

3) Could you consider offering Yogurt in consistent flavor varieties for approved brands (Plain/Original, Vanilla, Strawberry) instead of staggered flavors? Like Whole Wheat Pasta, we've seen many participants grab the wrong flavor.

Response: Each of your comments is addressed below.

1) Changes to brand or product names are Non-material Changes, which do not affect a product's authorization. The Department has updated WIC Regulatory Bulletin 2018-04 to reflect the new brand name for your authorized products.

2) The Department is not amending section 82950, subsection (a)(7) at this time.

Federal regulation details the minimum requirements and specifications for authorized foods. (7 Code of Federal Regulations part 246.10(e)(12), table 4.) When authorizing foods, WIC state agencies must ensure that "... the foods on State-approved WIC food lists meet minimum Federal WIC requirements." (The United States Department of Agriculture's *Food Package Guidance: A Guide for FNS Regional Offices, and WIC State and local agencies*, page 12.) The Department is unable to authorize all shapes of pasta made by the currently authorized brands because not all shapes meet the federal requirements for WIC authorized foods.

When the Department authorizes foods it also considers the cost, appropriateness, statewide availability and the nutrient content of the foods. (Cal. Code Regs., tit. 22, §40715.) While the Department could limit the brands it authorizes to those which produce only shapes which meet federal minimum requirements, this might result in a reduction in the number authorized brands. Limiting the number of authorized brands limits participant choice, which could reduce participant access to authorized foods. Prior to making a change that could significantly affect stakeholders, the Department would

need to conduct a thorough review of this request and its implications, which would require public comment prior to implementation. The Department will monitor this issue for consideration in future regulatory actions.

The Department is working to convert to an electronic benefit transfer (EBT) food instrument system, and believes the introduction of its authorized product list (APL) and other tools may help participants identify authorized foods on store shelves. In the interim, vendors who want to assist participants with identifying specific authorized foods can use shelf talkers to identify authorized brands and types.

3) The Department is unable to make this change at this time. Not all yogurt brands produce products that meet federal and state requirements in all authorized flavors at all authorized fat levels (nonfat, lowfat, and whole fat). Limiting authorized yogurts to brands that consistently make all three flavors in both nonfat, lowfat, and whole fat levels would eliminate all authorized brands proposed in Regulatory Alert 2018-04.

Further limiting authorized flavors of yogurt in an attempt to make authorized products easier to identify could negatively impact participants. For example, if the Department authorized only plain flavored yogurt, the only flavor produced by authorized brands in all fat levels, only four brands would remain authorized. Reducing the number of authorized brands and flavors would severely restrict participant choice and product availability. For these reasons, the Department will not change the list of authorized yogurt brands/products originally proposed in Regulatory Alert 2018-04.

The Department is working to convert to an EBT food instrument system, and believes the introduction of its APL and other tools may help participants identify authorized foods on store shelves. In the interim, vendors who want to assist participants with identifying specific authorized foods can use shelf talkers to identify authorized brands and types.

3. **Comment:** Our El Comal Corn Tortillas and El Comal Whole Wheat flours were not resubmitted to the list of WIC authorized foods on a timely manner. We would like for WIC to reconsider removing these products and include them into the WIC authorized foods.

1. Corn Tortillas Subcategory: El Comal — Corn Tortillas (UPC# 817585010344)
2. Whole Wheat Tortillas Subcategory: El Comal —100% Whole Wheat Flour Tortillas (UPC# 817585010337)

Please advise, what steps to take during the waiting time frame after the comment period. We currently supply these product to Mother’s Nutritional Centers.

Response: WIC Bulletin Regulation section 82950 in the Final Action WIC Regulatory Bulletin 2018-04 has been revised to retain El Comal Corn Tortillas and El Comal Whole Wheat Flour Tortillas as authorized products.

These products remain authorized and there is no “waiting time frame” affecting their authorization.

4. **Comment:** Please do not delete El Comal 16oz Corn Tortillas and El Comal 16oz Whole Wheat Tortillas from the WIC authorized Food List. Mother’s Nutritional Centers,

Inc., has used this brand exclusively for several years, and it is in compliance with all authorization requirements. Although these were listed on our original excel recap sheet submitted in May 2018, somehow the 16oz El Comal Corn Tortillas and 16oz El Comal Whole Wheat Tortillas are proposed for deletion. Package images attached. Thank you for your consideration.

Response: WIC Bulletin Regulation section 82950 in the Final Action WIC Regulatory Bulletin 2018-04 has been revised to retain El Comal Corn Tortillas and El Comal Whole Wheat Flour Tortillas as authorized products.

- 5. Comment:** In accordance with Regulatory Alert 2018-04, TreeHouse Foods, food manufacturer and stakeholder in the California Women, Infants and Children (WIC) program, maintains the right to comment on the proposed 2019-2020 WIC authorized food list. TreeHouse Foods manufactures numerous WIC-eligible private label store brand products, including Great Value hot cereal items. TreeHouse affirms the proposed rule to eliminate Great Value Instant Oatmeal (11.85 oz) from the food list should be amended for the following reason.

In past years, Great Value Instant Oatmeal was approved in the state of California. However, due to an iron level discrepancy, the item was eliminated from the California food list during the Spring 2018 Request for Information period. The product label currently displays 25.71 milligrams of iron/100 grams of cereal. However, as of January/February 2019, a new label will be on shelves in Walmart stores. The newly labeled product will reflect 28 milligrams of iron per 100 grams of cereal, making it federally WIC-eligible. A label proof is enclosed. Please note the UPC will not change.

We hope California amends its current ruling on Great Value Instant Oatmeal. The brand has been a vital member of WIC retailers for quite some time and continues to provide nutritious, cost-friendly products to WIC participants nationwide.

Response: The Department is withdrawing the proposed amendments for crisp/crispy rice and instant oatmeal in order to review existing breakfast cereal authorization criteria for future amendment via Regulatory Bulletin.

Federal regulation details the minimum requirements and specifications for authorized foods. (7 Code of Federal Regulations part 246.10(e)(12), table 4.) WIC State agencies may not authorize foods that do not meet these requirements. Your comment indicates that your reformulated product will meet federal WIC iron requirements prior to the effective date of these regulations; therefore, with the Department's withdrawal of the proposed amendments, your product will retain its authorization in Regulatory Bulletin 2018-04.

- 6. Comment:** We would like to submit for open comment that CA WIC reconsider the exclusion of Kellogg's Rice Krispies for the upcoming CA WIC Authorized Foods List (Breakfast Cereal).

Authorizing Rice Krispies will provide greater access to Crisp Rice. Store Brands are, by definition, available in certain retailers while Rice Krispies is available across all retailers. Rice Krispies is sold in stores that account for 90.1% of all grocery sales in CA whereas Store brand Crisp Rice is sold in stores that account for 66.3% of all grocery sales in CA (*Nielsen 12W period ending 2/3/2018*). Adding Kellogg's Rice Krispies will increase access to Crisp Rice cereals by 35.9%. In addition, certain national brands (Ralston, MOM brands) are currently authorized but have very limited (10-20%) distribution in grocery stores. Adding Rice Krispies can provide greater access to those families seeking a Crisp Rice option.

Whereas this will have budget impact, this can be addressed creating opportunity for Store Brands beyond Crisp Rice by further expansion of authorized Store Brand products. An example of this would be authorizing Store Brand Toasted O/Oat Ring products (Cheerios), where pricing disparity between national brand and store brand is greater than in crisp rice.

- Cheerios Large size average price per pound: \$3.77
- Store Brand Large size Oat Rings average price per pound: \$2.09
 - **Store Brand \$1.68 less per pound**
- Cheerios Medium size average price per pound: \$3.99
- Store Brand Large size Oat Rings average price per pound: \$2.70
 - **Store Brand \$1.29 less per pound**

Additional information and data is available upon request (pdf). We hope you will consider adding Rice Krispies during your final review as adding Kellogg's Rice Krispies can increase access to Crisp Rice cereal at a potentially limited cost impact. Thank you very much for your time.

Response: The Department is withdrawing the proposed amendments for crisp/crispy rice and instant oatmeal in order to review existing breakfast cereal authorization criteria for future amendment via Regulatory Bulletin.