

Subject: Authorization of Foods

Item: Selection of WIC Foods and Authorization Process

PURPOSE:

To provide standards for the selection of foods for California Department of Public Health/Women, Infants and Children Division (CDPH/WIC) food packages.

POLICY:

- I. Criteria for authorized food products are based on federal and state regulations and requirements, such as cultural acceptability, nutritive value, cost containment, and the nutrition education goals of the program. California WIC food requirements are detailed in the WIC Authorized Food List (WAFL) WIC Bulletin Regulations (WBR) 82000-83000. The WIC Authorized Food List Shopping Guide (WAFL SG) is an educational document for vendors and participants that outlines the foods authorized by the California WIC Program in the WBRs. The WAFL and WAFL SG will be reviewed and revised as needed.

- II. State Responsibility

Per Health and Safety Code section 123290, CDPH/WIC is responsible for designating specific supplemental foods to meet the minimum nutritional requirements for participants. CDPH/WIC is responsible for reviewing the WAFL and WAFL SG on an ongoing basis to ensure products continue to meet federal requirements and California state regulations. Moreover, CDPH/WIC will review the list of authorized foods and make changes as necessary to meet the cost containment needs of the WIC Division and the diverse needs of its participants. CDPH/WIC will also utilize the regulatory process, including WIC stakeholder input, outlined in California Health and Safety Code §123322, when making any substantive food changes.

- III. Criteria

A food product must meet the federal regulations governing the WIC food package, California state regulations, and CDPH/WIC's criteria for authorized foods outlined in WBR §§82000-83000. Food selections will take into account any guidance or recommendations from USDA and any feedback from the Food Package Review Committee and stakeholder input from the Health and Safety Code §123322 regulatory process. Whenever possible, a variety of selections (types and brands within each food category) will be authorized in order to address various participant dietary needs, such as food allergies.

- A. Consistency with Goals/Nutrition Message of CDPH/WIC

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B. Participant Preference

CDPH/WIC will select foods that are preferred by significant numbers of participants and will give consideration to cultural food beliefs, preferences and practices, or special food needs of participants. The relative acceptability of a food item by participants will be determined using market share data, field-testing, and/or preference surveys before that food item is added to or removed from the food package. Comments, complaints, and requests received from CDPH/WIC stakeholders will be taken into consideration in determining product authorization in accordance with California Health and Safety Code §123322.

C. Cost

PROCEDURE(S):

I. Brand Specific Foods

Food categories that are listed by specific brand and/or product name in the WAFL and WAFL SG will be reviewed as needed (with the exception of infant formula, the authorized brands and products for which is required by federal regulation to be determined through a competitive bid process). When it has been determined that products listed in the WAFL and WAFL SG for Brand Specific food categories need to be updated, an open submission period for new products will be opened for one month (approximately 30 calendar days). New products will be reviewed and may be presented to the Food Package Review Committee, management, CDPH/WIC stakeholders, and USDA for consideration. If a product is approved for authorization, it will be added to the next revision of the WAFL and WAFL SG, which typically takes place approximately one year following the open submission period).

II. Non-Brand Specific Foods

Food categories that are not identified as Brand Specific in the WAFL will undergo a formal review process to determine the category criteria for authorization; changes to criteria will be made in WAFL and WAFL SG revisions. Authorization criteria changes will be reviewed and may be presented to the Food Package Review Committee, management, CDPH/WIC stakeholders, and USDA for consideration prior to implementation. Products that meet the specific criteria can be added to the Food List Database, which is updated monthly. Consequently, manufacturers can submit products that meet the eligibility requirements for inclusion in the Food List database as they become available.

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III. Submission of Products

CDPH/WIC maintains a website that includes a manufacturer page with instructions for submitting products. In order for products to be considered, manufacturers must use the online tools on that page to submit contact and product information, including an electronic image of the packaging's front label, back label, nutrition facts panel, and complete ingredient list. Please see the Product Submissions for Food Manufacturers link on the CDPH/WIC webpage for more detail.

IV. Use of the WIC Logo: Product Labels and Use of Shelf Talkers

- A. The federal WIC logo and the WIC acronym are registered service marks of the United States Department of Agriculture (USDA). The federal WIC logo and the California WIC logo are the property of the Federal and State Governments.
- B. Manufacturers may not display the WIC acronym or logo, including close facsimiles thereof, in total or in part, on product labels or packages, or any proprietary materials they may produce, including pamphlets and brochures produced as public service information items. In addition, manufacturers cannot attach or affix in any manner (stickers, tags, or labels) the WIC acronym, the federal WIC logo, or the California WIC logo on any food item container or to any food product.
- C. Manufacturers may not produce and use labeling that resembles the California WIC logo and branding.
- D. Manufacturers may not reproduce brand identification channel strips or shelf talkers.
- E. Manufacturers are encouraged to coordinate with WIC Authorized Vendors to utilize shelf talkers produced by CDPH/WIC in the manner described in WBR §71400.
- F. Vendors must use the WIC acronym and logo only as permitted in WBR §71400.

V. Changes to the WAFL and WAFL SG

- A. Vendors and local agencies will be notified by CDPH/WIC in writing of changes and effective date.
- B. Participants will be notified by their local WIC program.
- C. CDPH/WIC's automated systems will be updated as needed.
- D. CDPH/WIC's website will be updated as needed.

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VI. Monitoring

CDPH/WIC will conduct periodic reviews of WIC authorized foods to ensure compliance with federal and state regulations and CDPH/WIC requirements. If products no longer adhere to federal, state and/or CDPH/WIC requirements, products will no longer be considered a WIC authorized food.

EXCEPTIONS:

CDPH/WIC receives rebate income through sole-source contracts with food manufacturers; WIC currently contracts for infant formula; therefore, the choice of some foods may be limited to only those for which CDPH/WIC has a sole-source contract. In the case of infant formula, products produced by non-contract manufacturers that meet federal and state regulations or requirements may be authorized, if medically indicated. Please refer to WPPM 390-10 Provision of Therapeutic Formulas and WIC-Eligible Nutritionals.

DEFINITIONS:

Food Category: WIC Authorized Foods are currently sorted into the following categories: Breakfast Cereal, Bottled Juice, Canned Fish, Canned Mature Beans, Cheese, Concentrate Juice, Dry Beans, Peas, or Lentils, Eggs, Fresh Bananas, Fruits and Vegetables, Infant Cereal, Infant Fruits and Vegetables, Infant Formula, Infant Meats, Milk, Peanut Butter, Soy, Tofu, Whole Grains, and Yogurt.

Food List Database: A database of WIC Authorized Foods that have been reviewed by CDPH/WIC staff and determined to meet both federal and state regulations and requirements. The database is sorted by food category and is a job aid meant to assist participants and vendors in identifying California WIC eligible foods. The database also identifies the brands of foods, package sizes, UPC, and other relevant criteria.

Food Package Review Committee: A committee comprised of state and local agency nutritionists and other designated staff that provides feedback on the impact of potential decisions made by State staff responsible for food package changes.

Nutrient: A nutrient is a substance found in food or taken from the environment that an organism needs to live and grow or is used in the organism's metabolism. The WIC Program is designed to increase the consumption of foods that provide specific nutrients determined to be lacking in the diets of pregnant, breastfeeding, and postpartum women and infants and children at nutrition risk. These specific nutrients are: protein, iron, calcium, Vitamins A and C, and folic acid or folate.

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WIC Authorized Food: Food products that meet federal and state regulations and requirements, as reviewed and determined by state staff.

- A. Brand Specific Foods: Foods specified by brand and/or product name and identified as such in the WAFL and WAFL SG. Foods fall into this category when USDA regulations outline specific nutritional criteria for the food that are difficult for a participant to identify on his or her own.
- B. Non-Brand Specific Foods: Foods not specified by brand and product name in the WAFL and WAFL SG. Instead, criteria are listed in the WAFL SG under the headings “can buy” and “cannot buy.”

Universal Product Codes: A specific type of barcode that is widely used in the United States and Canada for tracking trade items in stores. Universal Product Codes (UPCs) appear as lines (bars) of varying widths representing the series of numbers commonly shown below the bars.

AUTHORITY:

[7 CFR §246.10](#)

WBR §§82000-83000

[Health and Safety Code §123290](#)

[22 CCR §40715](#)