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EDMUND G. BROWN JR.
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June 11, 2013

WIC REGULATORY BULLETIN 2012-02

NOTICE OF FINAL ACTION

- Subject:** This is the Final Action on the Notice of Proposed Changes posted as Regulatory Alert 2012-02 on December 31, 2012 posted at:
<http://www.cdph.ca.gov/programs/wicworks/Pages/WICRegulations.aspx>
- Date of Adoption:** The Final Action will be effective July 11, 2013.
- Regulation:** California WIC Program Regulations by Bulletin
Article 5
Section 82000.
The California WIC Authorized Food List Shopping Guide dated July 5, 2011, is the list of authorized supplemental foods for the California Supplemental Nutrition Program for Women, Infants and Children.
- Please see Attachment 1 for a copy of the California WIC Authorized Food List Shopping Guide, dated July 5, 2011.
- Stakeholder Comments and Responses:** Please see Attachment 2 for full list of stakeholder comments received and Departmental responses.
- Feedback:** The WIC Program welcomes your feedback regarding the impact of this Final Action and any policy adjustments you believe should be considered after implementation.
- You may provide your feedback by sending your comments, with the Bulletin number in the subject line, to: WICRegulations@cdph.ca.gov.



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CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Attachment 1

WIC AUTHORIZED FOOD LIST SHOPPING GUIDE

California Women, Infants and Children Supplemental Nutrition Program

June 11, 2013

Health & Safety Code §123322 authorizes the California Department of Public Health to establish regulations regarding the authorized foods of the California Women, Infants and Children Supplemental Nutrition Program using a regulatory bulletin process. The Department is utilizing this process to adopt the regulation in Regulatory Alert 2012-02. This document is intended to provide a copy of the California WIC Authorized Food List Shopping Guide dated July 5, 2011.



WOMEN, INFANTS & CHILDREN

Families grow healthy with WIC

**WIC Authorized
FOOD LIST
Shopping Guide**

July 5, 2011

California WIC Participant Responsibilities

Before you shop

- Look at the “First Day to Use” and the “Last Day to Use” printed on your WIC checks to make sure you are taking the right checks to the store.
- Teach your alternate(s) how to shop with WIC checks.
- Have your alternate(s) sign your WIC ID Folder before he or she goes to the store to shop for you.
- Look for the WIC logo to know where to shop.



While you shop

- Separate WIC foods from the other foods you are buying.
- Use the WIC Authorized Food List Shopping Guide to choose WIC approved foods and correct package sizes.
- Buy the full amount of formula printed on the infant formula WIC checks. You cannot buy less of this item.

At the checkout stand

- Group your WIC foods by each check.
- Tell the cashier right away that you are using WIC checks.
- After the cashier writes the price on the check, sign it in front of the cashier. Do not sign your checks before you go to the store.
- Fruits and Vegetables Check – This WIC check has a printed dollar value. If your fruits and vegetables cost more than the amount on the check, you can pay the extra amount.
- You will not receive change from any WIC transaction.

If you have problems at the grocery store

Talk to the store manager if you have a problem at the store. If you still have a problem after talking to the store manager, call your WIC agency at the number listed on the front of your WIC ID Folder or call the State WIC Program if you are still not satisfied. Make sure to report the date, time, store name, the names of the store people involved, and save your store receipt.

Table of Contents

Each food page is marked with a color on the top corner of the page. By using this system, you can quickly flip to a food category while shopping. Below is a key showing what color is used for each food category and page it is located on.

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Authorized food items are specific to each individual food category. Each food category is printed in **ALL CAPS** and **PURPLE**, which will be used only for food category names.

While we try to keep the WIC Authorized Food List Shopping Guide up-to-date, changes occur. A current copy may be found and downloaded from the WIC Program website at www.wicworks.ca.gov. If you are a WIC participant, you can also get a current copy from your local WIC agency.

Product artwork changes for **SOY** and **BREAKFAST CEREAL** do not affect product authorization.



This institution is an equal opportunity provider.

Developed by the California WIC Program
California Department of Public Health
1-800-852-5770

Edmund G. Brown Jr., Governor, State of California
Diana Dooley, Secretary, California Health and Human Services Agency
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Smart Shopping Tips

Here are some tips for stretching your WIC checks and food dollars:

- Buy lower-priced milk and twin-packed milk when available.
- Use grocery store club cards.
- Use store coupons.
- Buy store or generic brands.
- Take advantage of “buy one, get one free” specials.

Helpful Information

ounces = oz

pound = lb or #

16 ounces = 1 pound

gallon = gal

quart = qt

and = &

The word “check(s)” refers to “Food Instrument(s).”

Whole Grains – Shopping Tips

Things to look for when buying whole wheat bread or whole wheat tortillas:

1 Check the Front Label

- Make sure that bread says “100% Whole Wheat.”
- Make sure that wheat tortillas say “Whole Wheat” or “100% Whole Wheat.”



2 Check the Ingredients

- Make sure that whole wheat flour is the first ingredient listed:

WHOLE WHEAT FLOUR,
INGREDIENTS: WATER, SUGAR, YEAST, WHEAT GLUTEN, SALT, CULTURED DEXTROSE,
SOYBEAN OIL, LECITHIN, ENRICHMENT (CALCIUM SULFATE, VITAMIN E, NIACIN,
AND MALTODEXTRIN), ENRICHMENT (CALCIUM SULFATE, VITAMIN E, NIACIN,
VITAMIN A, VITAMIN D3), DATEM, MONOGLYCERIDES AND DIGLYCERIDES, GRAIN
VINEGAR, CITRIC ACID, CALCIUM SULFATE, ASCORBIC ACID (DOUGH CONDITIONER),
AMMONIUM CARBONAMIDE, SOY LECITHIN.

3 Check the Package Size

Net WT 16 OZ
(1 LB) 454g

No Added Sugars – Shopping Tips

Added sugars are not allowed in some WIC foods, such as juice, canned fruits, frozen fruits and vegetables, and dried fruits. Foods lower in sugars help prevent obesity, diabetes, some cancers, and tooth decay. Below is an example for how to buy canned fruits.

CAN BUY

Example: Canned Pineapple

Nutrition Facts	
Serving Size 1 Cup (113g)	
Servings Per Container 4	
Amount Per Serving	
Calories 60	
	% Daily Value*
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 0mg	0%
Potassium 90mg	3%
Total Carbohydrate 16g	5%
Dietary Fiber 1g	4%
Sugars 14g	
Protein 0g	
Vitamin C	40%
INGREDIENTS: PINEAPPLE, PINEAPPLE JUICE, CITRIC ACID, ASCORBIC ACID	

Check the ingredients for added sugars. Some other names for added sugars are:

- Barley malt
- Brown sugar
- Cane syrup
- Corn sugar
- Corn syrup
- Dextrose
- Evaporated cane juice
- Fructose
- Glucose
- High-fructose corn syrup
- Honey
- Maltodextrin
- Maltose
- Maple sugar
- Molasses
- Powdered sugar
- Raw sugar
- Sucrose

CANNOT BUY ❌

Example: Canned Pineapple

Nutrition Facts	
Serving Size 1 Cup (113g)	
Servings Per Container 4	
Amount Per Serving	
Calories 70	
	% Daily Value*
Total Fat 0g	0%
Saturated Fat 0g	0%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 10mg	0%
Total Carbohydrate 0g	0%
Dietary Fiber 1g	0%
Sugars 17g	
Protein 1g	
Vitamin A	2%
Vitamin C	100%
Iron	2%
INGREDIENTS: PINEAPPLE, WATER, SUGAR, CITRIC ACID, ASCORBIC ACID	

Some names for artificial and no-calorie sweeteners, which are also **not** allowed, are:

- Aspartame
- Malitol
- Maltitol
- NutraSweet
- Sorbitol
- Splenda
- Stevia
- Sucralose
- Truvia

MILK



CAN BUY

Any brand, one (1) gallon size, plain fluid cow's milk. Pasteurized or ultra-pasteurized:

Lower fat milks

- Nonfat (fat free, skim)
- 1% Lowfat (light)
- 2% Reduced fat

The following are allowed if printed on the check:

- **Whole milk**
 - **Lactose free milk**
 - Half gallons and quarts
-



At the store, you can choose the following instead of fluid milk. Fat level as printed on the check:

Evaporated milk

(Available with the lower fat or whole milk check)

- Can buy 5 (12 oz) cans if 1 gallon of milk is printed on your check
- Can buy 8 (12 oz) cans if 1½ gallons of milk is printed on your check

Powdered dry milk

(Available only with the lower fat milk check)

- Can buy 2 (9.6 oz) boxes or pouches if 1½ gallons of milk is printed on your check
- Can buy 1 (25.6 oz) box or pouch if 2 gallons of milk is printed on your check

CANNOT BUY ❌

- Any other type, flavor, or size of milk
- Acidophilus milk
- Buttermilk
- Calcium-fortified milk
- Flavored milk, such as chocolate
- Goat's or soy milk
- Non-dairy substitutes
- Pint size or glass bottles
- Raw (unpasteurized) milk
- Sweetened condensed or filled milk
- Ultra Heat Treated (UHT) shelf-stable milk
- Organic milk
- Evaporated milk with checks that have 1¼ gallons or 2 gallons of milk printed on them
- Powdered dry milk with checks that have 1 gallon or 1¼ gallons of milk printed on them

Helpful Hint

To get the most milk, purchase fluid cow's milk.

CHEESE



CAN BUY

Any brand, 16 oz, made in the USA. Regular, low sodium, low fat, reduced fat, or nonfat.

Block or round:

Cheddar cheese

- Orange or white
- Mild, medium, sharp, or longhorn

Colby cheese

Jack cheese

Mozzarella cheese

Marbled or blends of authorized cheeses, such as Colby-Jack or Cheddarella

Individually wrapped sticks:

Mozzarella string cheese



CANNOT BUY ☹

- Any other variety, size, or texture of cheese
- Diced, grated, sliced, crumbled, or shredded cheese
- Cheese purchased from or sliced at the deli
- Cheese with added ingredients, such as hot peppers or spices
- Organic cheese

EGGS



CAN BUY

Any brand, dozen size carton:

Chicken Eggs

- White
- Large

CANNOT BUY ☹

- Any other size, type, or color of egg
- Powdered or liquid eggs
- Specialty eggs, such as cage-free, stress-free, organic, vitamin-enriched, pastured, low cholesterol eggs, or Eggland's Best

SOY



CAN BUY

Brand, type, and size listed below:

Pacific Ultra Soy Plain

- Shelf-Stable
- Quart size

8th Continent Soymilk Original

- Refrigerated
- Half-gallon size

CANNOT BUY ☹

- Any other brand, type, size, or flavor of soy
- 8th Continent Light or Fat Free soymilk

TOFU



CAN BUY

Brand and texture listed below,
14 oz – 16 oz package, plain:

Azumaya

- Firm, Extra Firm, Lite
Extra Firm, or Silken

Frieda's

- Soft
- Firm

House

- Premium Soft Silken
- Premium Medium Firm
(Regular)
- Premium Firm
- Premium Extra Firm
- Organic (Soft, Medium
Firm, or Firm)

Nasoya

- Lite (Firm or Silken)
- Organic (Soft, Firm,
or Silken)

O Organics

- Organic Firm

Soy Boy

- Organic (Firm or
Extra Firm)

Tofu Shop

- Organic Calcium
(Regular or Soft)

Vitasoy SanSui

- Regular or Firm

Wild Wood

- Organic SprouTofu
(Silken, Lite Medium,
Firm, Extra Firm, and
Extra Firm 2 Pack)

Wo Chong

- Organic (Firm or Soft)
- Silken, Soft, Firm, or
Extra Firm

CANNOT BUY ☹

- Any other brand, size, or
texture of tofu
- Tofu with added fats,
sugars, oils, sodium,
flavoring, or seasoning
- Cubed, dried, baked,
or fried tofu
- Tofu in bulk, not
pre-packaged

WHOLE GRAINS

CAN BUY

Any brand, 16 oz package:

Whole Wheat Bread

- Loaves, buns, and rolls that have “100% Whole Wheat” on the **front label**
- Store bakery bread is allowed, if labeled appropriately

Any brand, 16 oz package or bulk, plain:

Brown Rice

- Short, medium, long grain
- Regular, quick, instant
- Basmati Brown
- Jasmine Brown

Whole Grain Barley

- Organic is allowed



Tortillas

- Soft corn tortillas, white or yellow
- Whole Wheat tortillas that have “Whole Wheat” or “100% Whole Wheat” on the **front label**
- Store bakery tortillas are allowed, if labeled appropriately

Oatmeal or Oats

- Old fashioned
- Rolled, cut, or steel cut
- Instant
- Quick
- Crystal Wedding

Bulgur

- Organic is allowed

CANNOT BUY ☹

- Any other type, size, or variety of whole grains
- Breads or tortillas not labeled as listed above
- Whole grains with added ingredients, such as fruits, nuts, or spices
- Light or lite bread
- Refrigerated or frozen bread, dough, mixes, tortillas, or rice
- Ready-to-serve rice
- Brown rice mixed with any other type of rice
- Individual or flavored oatmeal packets
- Pearled barley
- Organic bread, tortillas, oatmeal, or brown rice
- Frozen oats
- Cannot mix and match bulk brown rice, oatmeal, oats, whole grain barley, and bulgur

BREAKFAST CEREAL

CAN BUY **WHOLE GRAIN CEREALS— 51% or more whole grain.** Brand in 12 oz – 36 oz box or bag of cereal listed below:

 = 50% or more folic acid per serving

 = 5 or more grams of fiber per serving

General Mills



Kellogg's



Post



Quaker



Mill Select



B&G Foods



Instant Oatmeal or Instant Oats

Brand in 11.8 oz or 12 oz individual serving packet, old fashioned, classic, regular, or original flavor, listed below:

- Albertsons
- Best Yet
- BetterOats-Good 'n hearty
- First Street
- Food Club
- HY-TOP
- IGA
- Kroger
- Parade
- Raley's Fine Foods
- Ralph's
- Ralston
- Red & White
- Safeway
- Springfield
- Stater Bros.
- Sunny Select
- Western Family

CANNOT BUY

- Any other brand, type, size, or flavor of breakfast cereal
- Grits
- Hot breakfast cereal with added fruits, nuts, or sugars

BREAKFAST CEREAL

CAN BUY OTHER CEREALS— **Less than 51% whole grain.** Brand in 12 oz – 36 oz box or bag of cereal listed below:

 = 50% or more folic acid per serving  = 5 or more grams of fiber per serving

General Mills



Kellogg's



Post



Quaker



Malt-o-Meal



Crisp(y) Rice

- Albertsons
- Kroger
- Red & White
- Best Yet
- Malt-o-Meal
- Safeway
- First Street
- Mill Select*
- Shurfine
- Food Club
- Mornin' Gems
- Springfield
- Great Value
- Parade
- Stater Bros.
- Hospitality
- Raley's Fine Foods
- Sunny Select
- HY-TOP
- Ralph's
- Value Time
- IGA
- Ralston
- Western Family

* Cereal is 51% or more whole grain

CANNOT BUY

- Any other brand, type, size, or flavor of breakfast cereal
- Hot breakfast cereal with added fruits, nuts, or sugars
- Grits

Helpful Hints: To buy the full 36 oz of cereal:



PEANUT BUTTER



CAN BUY

Any brand in 16 oz – 18 oz container.

Plain, regular, low sodium, or low sugar:

- Any texture, such as creamy, crunchy, or super chunky
- Old fashioned or natural is allowed

CANNOT BUY ❌

- Any other size, type, or flavor of peanut butter
- Honey nut roasted peanut butter
- “Grind your own” peanut butter
- Peanut butter spread
- Lowfat or reduced fat peanut butter
- Peanut butter with added jams, jellies, chocolate, or honey
- Peanut butter with added supplements, such as omega-3-fatty acids
- Organic peanut butter



DRY BEANS, PEAS or LENTILS

CAN BUY

Any brand or variety,
16 oz package or bulk.
Varieties such as:

- Black
- Black-eyed peas
- Garbanzo (Chickpeas)
- Great Northern
- Kidney
- Lentils
- Lima
- Navy
- Pink
- Pinto
- Red
- Split peas
- Organic is allowed



CANNOT BUY ☹

- Canned or frozen beans, peas, or lentils
- Bean soup mixes with flavoring packets or spices

CANNED MATURE BEANS

CAN BUY

Any brand, type, or variety, 15 oz – 16 oz can, if printed on the check. Plain, regular, or low sodium. Varieties such as:

- Black
- Black-eyed peas
- Garbanzo (Chickpeas)
- Great Northern
- Kidney
- Lima
- Navy
- Pink
- Pinto
- Red



CANNOT BUY ☹

- Dry or frozen beans, peas, or lentils
- Canned green peas, green beans, or wax beans
- Canned baked, refried, Cajun, bar-b-que, or ranch style beans
- Canned organic beans

BOTTLED JUICE and CONCENTRATE JUICE



CAN BUY

Any brand, authorized flavors. Pasteurized juice that has “100% Juice” **and** “120% Vitamin C” (or more) on the **front label**. Added Calcium and Vitamin D is allowed:

- 64 oz bottled (ready to drink) containers or
- 11.5 oz, 12 oz, or 16 oz concentrate (frozen or non-frozen) containers

Apple

Cranberry

Grape

- Red, Purple, or White

Grapefruit

- Ruby Red, Pink or White*

Orange*

Pineapple

Prune

Tomato

- Regular, low sodium, or spicy

Vegetable

- Regular, low sodium, or spicy

Juice Blends

- Juice that is named as two or more authorized flavors on the front label, such as Cranberry-Grape, Apple-Grape, or Cran-Apple

* Orange juice and White Grapefruit juice are not required to have “120 % Vitamin C” on the front label

CANNOT BUY ☹

- Any other flavor, type, or size of juice
- Juice not labeled as listed above
- Refrigerated juice
- Diet, light, or lite juice
- Organic juice
- Juice with added ingredients or supplements, such as caffeine, carnitine, chromium, DHA, Echinacea, ginkgo biloba, ginseng, guarana, St. John’s Wort, taurine, or wheatgrass

Helpful Hints

To get the most juice:

- For children, choose 64 oz bottles or 16 oz frozen containers.
- For women, choose 11.5 oz or 12 oz frozen or non-frozen containers.

FRUITS and VEGETABLES

CAN BUY

Fresh Fruits and Vegetables

Any brand, type, or combination of:

- Any variety of whole or cut fruits and vegetables
- Sweet potatoes and yams are the only potatoes allowed
- Bagged fruits and vegetables
- Bagged or packaged salad mixtures
- Garlic, onion, ginger, jalapeños, peppers, and chilies are allowed
- Organic is allowed



CANNOT BUY ☹

- Any potatoes other than sweet potatoes or yams
- Any food or product from the salad bar or deli, party trays, fruit baskets, decorative vegetables and fruits, such as chilies or garlic on a string or painted pumpkins
- Nuts or fruit-nut mixtures
- Edible blossoms, such as squash blossoms
- Bagged salad, vegetable, or fruit kits with added ingredients, such as dressing, croutons, cheese, dips, or sauces
- Dried vegetables
- Herbs and spices, such as parsley, basil, cilantro, and mint

CAN BUY

Dried Fruits

Any brand, size, and type of container or bulk, if printed on the check:

- Any variety of dried fruits without added fats, sugars, or oils, such as raisins, prunes and/or dried plums, figs, dates, and apricots
- Freeze-dried is allowed
- Pitted or with pits are allowed
- Organic is allowed



CANNOT BUY ☹

- Dried fruits with added fats, sugars, or oils
- Dried or freeze-dried vegetables
- Trail mix
- Dried fruits with added artificial or natural flavors, including essences

FRUITS and VEGETABLES



CAN BUY

Canned Fruits

Any brand, size, and type of container:

- Any variety of canned fruits, packed in water or juice without added sugars
- Natural or unsweetened applesauce is allowed
- Organic is allowed

CANNOT BUY ❌

- Fruits packed in syrup, such as heavy, light, or extra light
 - Fruit cocktail, cranberry sauce, or pie filling
 - Fruits with added sugars, salt, fats, oils, or artificial sweeteners, such as Splenda or NutraSweet
-

CAN BUY

Canned Vegetables

Any brand, size, and type of container.

Regular or low sodium:

- Any variety of canned vegetables
- Sweet potatoes or yams without added sugars or syrup are allowed
- Tomatoes or tomato products are allowed, such as whole, crushed, diced, paste, or purees
- Organic is allowed



CANNOT BUY ❌

- Any potatoes other than sweet potatoes or yams
 - Vegetables with added fats or oils
 - Vegetable mixtures with potatoes
 - Pickled, creamed, or sauced vegetables
 - Tomato products with added sugars, fats, or oils
 - Soups, ketchup, relishes, olives, salsa, stewed tomatoes, or tomato sauces (tomato, pizza, spaghetti)
 - Canned mature beans, such as black-eyed peas, kidney beans, or pinto beans
-

FRUITS and VEGETABLES

CAN BUY

Frozen Fruits

Any brand, size, and type of container:

- Any variety of frozen fruits without added sugars
- Organic is allowed



CANNOT BUY ☹

- Fruits with added sugars, added ingredients, or artificial sweeteners, such as Splenda or NutraSweet
-

CAN BUY

Frozen Vegetables

Any brand, size, and type of container. Regular or low sodium:

- Any variety of frozen vegetables
- Sweet potatoes or yams without added sugars or syrup are allowed
- Frozen beans of any kind are allowed, such as green beans, wax beans, black-eyed peas, black beans, or pinto beans
- Organic is allowed



CANNOT BUY ☹

- Any potatoes other than sweet potatoes or yams
- Breaded or flavored vegetables
- French fries, tater tots, hash browns, or mashed potatoes
- Vegetables with sauce, such as cheese, butter, or teriyaki sauce
- Vegetables with added sugars, oils, fats, pasta, rice, or any other ingredient

INFANT CEREAL

CAN BUY

Brand and type in 8 oz or 16 oz container, as listed below:

Beech-Nut

- Homestyle Rice
- Homestyle Oatmeal
- Homestyle Multigrain

Gerber

- Rice and Organic Brown Rice
- Oatmeal and Organic Oatmeal
- Barley
- Whole Wheat
- Mixed



Earth's Best Organic

- Whole Grain Rice
- Whole Grain Oatmeal
- Whole Grain Multi-Grain

O For Baby Organics

- Organic Rice

CANNOT BUY ❌

- Infant cereal with added ingredients, such as formula, milk, fruits, sugars, sweeteners, or DHA

INFANT FORMULA

CAN BUY

Must buy the brand, type, size, and number of cans printed on the check.

CANNOT BUY ❌

- Any other brand, type, or size of infant formula not printed on check
- Low iron or no iron formula

FRESH BANANAS

CAN BUY

Fresh Yellow Bananas

- 2 or 4 bananas as printed on the check
- Organic is allowed



CANNOT BUY ❌

- Any other type of banana, such as plantains, red, mini, or fingerling

INFANT FRUITS and VEGETABLES

CAN BUY

Any brand, 3.5 oz or 4 oz container:

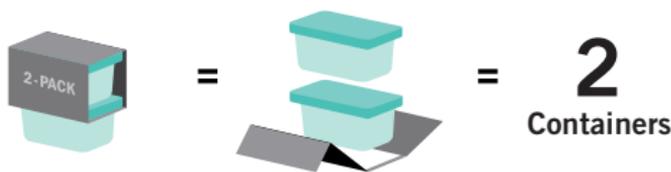
- Plain fruits, plain vegetables, or combinations of two or more plain fruits and vegetables
- Multi-packs are allowed
- Organic is allowed



CANNOT BUY ❌

- Any other size of infant fruits and vegetables
- Infant desserts, puddings, or smoothies
- Infant juice
- Infant dinners
- Graduates or toddler infant food
- Infant fruits and vegetables mixed with cereal, meat, pasta, or rice
- Infant fruits and vegetables with added sugars, salt, spices, starch, fiber, or DHA
- Cannot mix and match 3.5 oz with 4 oz containers

Helpful Hints: Single containers and multi-packs can be mixed and matched. A multi-pack has 2 or more containers.



INFANT MEATS



CAN BUY

Any brand, 2.5 oz container, if printed on the check:

- Added broth or gravy is allowed
- Multi-packs are allowed
- Organic is allowed

CANNOT BUY

- Any other size infant meats
- Infant dinners or infant meats mixed with veggies, fruits, cereal, pasta, or rice
- Graduates or toddler infant food
- Infant meats with added sugars, salt, spices, fiber, or DHA

CANNED FISH



CAN BUY

Any brand, regular or low sodium:

Chunk Light Tuna

- 5 oz or 6 oz can
- Packed in water
- Plain

Pink Salmon

- 5 oz, 6 oz, or 14.75 oz can
- Packed in water
- Plain

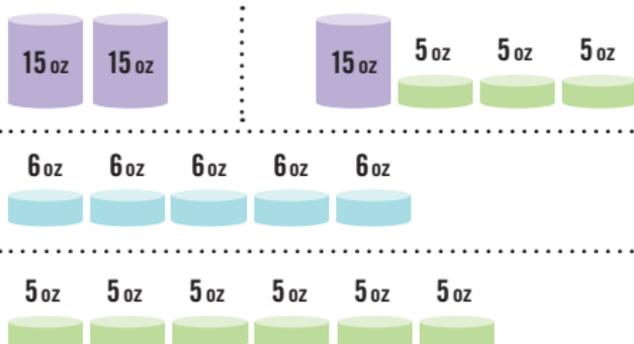
Sardines

- 15 oz can
- Packed in water, mustard, or tomato sauce

CANNOT BUY

- Any other flavor, variety, size, or type of fish
- Solid white, albacore tuna, or prime fillet fish
- Specialty salmon, such as smoked, wild sockeye, blue back salmon, or red salmon
- Fish packed in oil
- Sardines packed in any other sauce, such as chili or hot sauce
- Tuna or salmon kits
- Fish packed in pouches or plastic containers

Helpful Hints: To buy the full 30 oz of fish



CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Attachment 2

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Stakeholder Comments and Responses

California Women, Infants and Children Supplemental Nutrition Program

June 11, 2013

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Comments Received and Responses

In response to Regulatory Alert 2012-02, the California WIC Program received responses from five stakeholders. Their comments, with California WIC's responses, are listed below in the order received.

1. **Comment:** There has been a lot of concern in regards to the conversion of fresh milk and fresh soy milk to shelf stable product. We would like for you to look very closely to the conversion rate to canned milk and shelf stable soy milk. There should be a change in the amount of product converted. The cost of canned milk and shelf stable soy milk is more expensive.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. We have reviewed your comments and want to let you know that the conversion rate from fluid cow's milk to powder and evaporated milk is determined by the United States Department of Agriculture (USDA), as directed in federal regulations (Title 7 CFR Part 246.10(e)(10) Table 2, Footnote 8). The regulations state:

Evaporated milk may be substituted at the rate of 16 fluid ounces of evaporated milk per 32 fluid ounces of fluid milk or a 1:2 fluid ounce substitution ratio. Dry milk may be substituted at an equal reconstituted rate to fluid milk. When a combination of different milk forms is provided, the full maximum monthly fluid milk allowance must be provided.

The conversion rate for fresh milk to soy-based beverage is also determined by the United States Department of Agriculture (USDA), as directed in federal regulations (Title 7 CFR Part 246.10 (e)(10) Table 2, Footnote 12). The regulations state: "Soy-based beverage may be substituted for milk at the rate of 1 quart of soy-based beverage for 1 quart of milk up to the total maximum monthly allowance of milk."

California WIC converts at the rates determined by USDA and cannot change those conversion rates.

Additionally, a request to investigate the relative cost of canned milk and shelf stable soy milk is addressed through our food category change request process. This process is outlined in the "Questions and Additional Information" section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov

when we will be accepting requests to make changes to brand specific foods and food category changes.

2. **Comment:** The canned fish category now allows canned salmon 5 ounce, which is way more expensive than canned chunk light tuna. Either the item should be reconsidered or the amount of product allowed be changed.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. We have reviewed your comments and want to let you know that the amount of product to issue is determined at the federal level by USDA; therefore, California WIC cannot change that amount. Additionally, requests to reconsider allowable types of fish are addressed through our food category change request process. This process is outlined in the “Questions and Additional Information” section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

3. **Comment:** The cereal ounces should be looked at. The value sizes are 18 and 24 ounce packages, both in cost and retail. The 12 ounce product is not a value size and the retail is normally higher. The consumer is purchasing more 12 ounce product and exceeding the MADR. Maybe the change of the description to what can be purchased, i.e. 2- 18 ounce or 12 and 24 ounce on the instruments.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. We have reviewed your comments and want to let you know that changes to allowable package sizes are addressed through our food category change request process. This process is outlined in the “Questions and Additional Information” section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

4. **Comment:** We request the California WIC Program consider a food package change that would allow a 48 fl. oz. juice option for Woman participants in the California WIC Program.

Response: Thank you for your comment. We appreciate your interest in the

California WIC Program. We have reviewed your comment and want to let you know that changes to allowable container sizes are addressed through our food category change request process. This process is outlined in the “Questions and Additional Information” section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

5. **Comment:** How will adopting the July 5th, 2012 WAFL SG affect the non-brand specific (any brand) food items currently listed on the California WIC Food List data base?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. At this time, the adoption of the July 5, 2011 WAFL SG (a 2012 edition is referenced in the comment above, but it is assumed you are referring to the current 2011 edition) will not have any impact on California WIC’s non-brand specific review process for inclusion of products in the California WIC Food List Database.

6. **Comment:** Will food items that have been added to the California WIC Food List data base after the adoption of the July 5th, 2012 WAFL SG remain on the program, or will those food items need to be resubmitted?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. Again, a 2012 WAFL SG edition is referenced in the comment above, but it is assumed you are referring to the current July 5, 2011 edition. At this time, California WIC is not making any changes to the non-brand specific foods authorized; therefore, it is not anticipated that those food items will need to be resubmitted as long as those foods continue to meet the non-brand specific requirements and specifications for authorization. Products only need to be resubmitted if there is a change to labeling and/or UPC or if there is a reformulation of the product.

7. **Comment:** Will there be any changes to the procedures for adding additional new items to the California WIC Food data base?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. California WIC is not making any changes in procedure for non-brand specific food submissions to the California WIC Food

List Database in this regulatory action. California WIC will provide notice if any changes to these procedures are made.

8. **Comment:** The Department's reasoning for its proposed adoption of the July 5, 2011 WIC Authorized Food List Shopping Guide (WAFL/SG) into a State Regulation (and the objective in doing so) was not clearly stated in any of the materials provided on the WIC website. Nor was the Department's purpose for doing so discussed or clearly addressed at the stakeholder's webinar held on January 23, 2013.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. The Notice of Regulatory Alert 2012-02 explains that state-authorized WIC supplemental foods must meet the minimum federal requirements and specifications for foods set out in Title 7, Code of Federal Regulations (7 CFR) 246.10. Each state WIC program must then identify the brands of foods and package sizes that meet these minimum federal requirements and specifications and are also acceptable to that state's WIC program. The California WIC Program is adopting its current WAFL SG dated July 5, 2011, in accordance with the authority in Health and Safety Code section 123322 adopted through AB 2322 (2012), to meet this federal requirement to list its authorized supplemental foods for California WIC.

The California WIC Program has determined that adopting the current WAFL SG is reasonably necessary to meet the needs of its participants and assist the local agencies and vendors in the distribution of the foods through the issuance of food instruments. Adopting the current WAFL SG will also minimize confusion about what foods are permitted for vendors and participants. The California WIC Program has also determined that adopting the current WAFL SG is reasonably necessary to provide continuity and thereby to provide stability for its participants, vendors and local agencies. These factors are particularly important as the California WIC Program implements the new AB 2322 bulletin process.

9. **Comment:** It appears from Regulatory Alert 2012-02 that the purported basis for adopting the July 5, 2011 WAFL/SG as a regulation is to "maintain stability" for participants/vendors/local agencies. However, the WAFL/SG was designed to be a guide for participants to utilize when shopping for authorized food items. While the guide may be a helpful tool for the participant shopper, there is no data or evidence about how adopting the WAFL/SG as a State

Regulation will "maintain stability" among participants/vendors/local agencies. Nor is there any data or evidence that it will indeed "maintain stability" among participants/vendors/local agencies.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. As noted above, the California WIC Program is implementing the current WAFL SG at this time in order to establish the foods that are authorized in California. The California WIC Program determined that adopting the current WAFL SG is reasonably necessary to provide continuity in the WIC Program, minimize confusion about what foods are permitted, and maintain stability for vendors and participants. For these reasons, the California WIC Program has determined the most prudent alternative is to adopt the currently authorized supplemental foods first and then discuss changes to be made to the WAFL SG at a later time. Participants, vendors, manufacturers and other stakeholders will be provided the opportunity to request changes in the foods permitted through future requests for changes to brand specific foods and food category change requests. Any changes made as a result of these processes will be adopted through the bulletin process.

10. **Comment:** In that regard, I would like to know how would not adopting the WAFL/SG create instability in the Program or create instability among participants/vendors/local agencies?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. The California WIC Program is not saying that not adopting the WAFL SG will create instability. It is saying that implementing changes in authorized foods at this time may create confusion. Continuity of the currently authorized supplemental foods will provide stability to the participants, vendors and local agencies who appreciate clarity about what the authorized foods are.

11. **Comment:** I would also ask whether the Department conducted a survey to consider the impact of adopting the current WAFL/SG as a regulation on participants/vendors/local agencies? Also, has it considered the impact of adopting the proposal on food manufactures? If so, I would appreciate the opportunity to review the results before the proposed regulation is adopted.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. The California WIC Program did not conduct a survey to consider the impact on participants, vendors and local agencies.

The adoption of the current WAFL SG will not create any impact since there are no changes to the current authorized foods being made. Similarly, there will be no impact on manufacturers since there will not be any changes to the authorized foods at this time.

12. **Comment:** Also, it appears that the Department is contending that AB 2322 and federal regulations mandate that the Department adopt the Food List Shopping Guide as a regulation. However, although AB2322 authorizes the Department to "establish requirements" for the "Program's authorized foods," there is no indication how the current (or any future) WAFL/SG establishes the requirements for the Program's authorized foods. Similarly, this stakeholder does not read the federal regulations as mandating that the WAFL/SG be adopted as a regulation. Although Title 7 CFR Section 246.10 does require the Department to "identify the brands of foods. . .and include them in a State Plan," this stakeholder deems that the Department has already satisfied the requirements of 7 CFR 246.10, as well as the requirements of AB2322, with the California WIC Food Policy Manual. Thus, this stakeholder believes that the Department's better avenue would be to perhaps adopt the California WIC Food Policy Manual as a State Regulation. Since the California WIC Food Policy Manual expressly provides that the WAFL/SG is the "official document that outlines the foods," this stakeholder does not believe it is necessary to specifically adopt the July 5, 2011 WAFL/SG, as a State Regulation. (See California WIC Food Policy No. FP1.0.) Rather, by adopting the California WIC Food Policy Manual as a regulation, any existing WAFL/SG will be incorporated into the regulation by reference.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. The California WIC Program is adopting the WAFL SG into regulation through the bulletin process authorized under AB 2322 to provide authority for the currently authorized supplemental foods provided by the California WIC Program. The California WIC Program has a food category change request process which will provide an opportunity for stakeholders to offer input regarding changes to the current brand specific foods and food categories. Any changes to the foods or food categories must meet the federal requirements. These processes are outlined in the "Questions and Additional Information" section (page3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

13. **Comment:** If the proposed Shopping Guide is adopted as a state regulation, what would the requirements be to add, modify or change any aspect of the shopping guide?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. The changes made to the WAFL SG would be made through the same regulatory bulletin process used here to adopt the WAFL SG. The authority for the bulletin process for WIC authorized foods is in Health and Safety Code section 123322 established with AB 2322 (2012).

14. **Comment:** What would the fiscal impact be to the Program vis-a-vis other stakeholders if the July 2011 WAFL/SG were adopted as a state regulation?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. The California WIC Program reasonably does not expect a fiscal impact since there will be no changes to the WIC authorized supplemental foods at this time.

15. **Comment:** How will the local (California) economy be impacted by adopting the WAFL/SG as a State Regulation?

Response: Thank you for your comment. We appreciate your interest in the California WIC Program. The California WIC Program reasonably does not expect the local California economy to be impacted since there will be no changes to the WIC authorized supplemental foods at this time.

16. **Comment:** Retailers agree it is important to have a diverse selection of WIC branded products. However, California retailers have expressed a number of concerns with regards to the availability of the 16 oz. package of bread. There is currently only one supplier who manufactures this specific package size. Retailers would ask the Department to consider expanding allowable package sizes and other options for whole grain products.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. We have reviewed your comments and want to let you know that changes to allowable package sizes are addressed through our food category change request process. This process is outlined in the "Questions and Additional Information" section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at

www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

Additionally, California WIC would like to point out that the California WIC Food List Database currently lists 33 eligible bread products manufactured under 17 different brand names, so it appears there is more than one supplier who manufactures the 16 oz package size. A list of these products can be found on California WIC's website at:

<http://www.cdph.ca.gov/programs/wicworks/WIC%20Foods/WIC-Foods-Bread-CAWICEligibleBreadList.pdf>.

17. **Comment:** In addition, retailers and suppliers would ask the Department to consider lifting the ban on flavored cereal and consider each whole grain cereal option on its own merits. At a time when breakfast consumption is declining, approving cereals with responsible messaging, great nutrition, and kid/mom appeal (often achieved with fruit, nut, or vanilla flavors) help ensure that WIC families will actually consume the iron, fiber, and folate that WIC wants them to consume as part of their prescriptive diets.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. We have reviewed your comments and want to let you know that changes to WIC's flavoring policy are addressed through our food category change request process. This process is outlined in the "Questions and Additional Information" section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

18. **Comment:** Retailers have concerns with the current mixed use voucher. On average, organic items are nearly double the cost of their mainstream counterparts. This increased cost is not reflected in the WIC vouchers, and in most cases is not even enough to cover the cost for the item. As a result, retailers are losing money by accepting these vouchers and providing these premium products. We would suggest a number of solutions to correct this discrepancy; raise the WIC voucher limits to account for the higher costs of organics, create separate vouchers for organic items, or ensure that any WIC eligible organic items have a cost that fits within the current WIC voucher redemption rates.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. We have reviewed your comments and want to let you know that changes to WIC's organic policy are addressed through our food category change request process. This process is outlined in the "Questions and Additional Information" section (page 3) of the WIC Regulatory Alert 2012-02 announcement. We will announce on our website at www.wicworks.ca.gov when we will be accepting requests to make changes to brand specific foods and food category changes.

19. **Comment:** Retailers and suppliers would like additional information and additional transparency into the food list review timeline. Making modifications to food to meet California's needs can be a long process, made difficult without clear understanding of when updates to packaging, recipes, and new foods can be considered by the state. We understand that the state's thorough process requires significant resources, and request that in addition to current brand and category review requests, the state consider reviewing the WAFLSG in its entirety every 3 years. This would allow the state a significant amount of time to make decisions and update materials, communicate changes while providing retailers and manufacturers with a solid timeline for their food innovation and renovation teams to work against.

Response: Thank you for your comments. We appreciate your interest in the California WIC Program. Currently, California WIC reviews and revises the WAFL SG as needed. To date, it has not been revised since 2011. Your request for the Program to review and reprint the WAFL SG every three years is one California WIC will take into consideration.