

# memo

**DATE:** December 8, 2021  
**TO:** WIC Coordinators and Local Agency Staff  
**FROM:** State WIC Staff  
**SUBJECT:** How Foods Are WIC Authorized - #3 in the Food Package Series

This is third in a series of memos highlighting the WIC food package. This month we focus on food selection and authorization.

As discussed in last month's WIC food package memo, [Section 246.10 Supplemental Foods of the WIC Federal Regulations](#) lists the food packages, quantities, substitutes, and minimum requirements of WIC foods. State WIC agencies use the Federal regulations to determine the brands, types, and forms of foods authorized on the State food list. Beyond the minimum nutrition requirements for WIC eligible foods, there are other considerations for food selection by state WIC agencies, as described in [Food Package Policy and Guidance](#).

Representatives from the state agency Food Delivery Unit, Nutrition and Clinic Services Unit, and the MIS Data Unit participate on the **Food Group**. This group uses the Federal Regulations and other considerations to establish the MN WIC criteria for food selection and authorization.

## **Some Criteria for Food Selection and Authorization include:**

- **State-specific nutrition criteria in addition to Federal requirements.**
  - Minnesota WIC does not allow food items with nonnutritive or artificial sweeteners.
  - MN WIC infant cereals provide zinc, important for breastfed infants, as well as iron.
  - Reduced-fat peanut butter is not allowed due to sugar content.
- **Acceptability and state-wide availability of eligible foods.**
  - Jack mackerel and sardines are federally allowed canned fish options, but not included on the MN WIC food list because of limited availability in MN.
  - Many brands and types of cereals meet the federal requirements. State staff consider brand availability in MN for inclusion on the WIC food list.
- **Variety and choice for participants, including cultural preferences and special nutritional needs.**
  - The MN WIC State Food List includes goat milk, lactose-free milk, soy beverage, tofu, and gluten-free cereals.
  - The [UPC Codes - MN WIC APL \(Approved Product List\)](#) has many choices in every food category to help meet the diverse needs of participants.

- **Cost.**
  - Federal regulation requires that organic fruits and vegetables are allowed with the Cash Value Benefit. For consistency, organic infant fruits and vegetables are also included.
  - Red salmon, speciality eggs and other speciality foods are not allowed due to cost.
  - Cost is considered before any new product is added to the APL. A product with a wide variation in price across the state or a product priced far above similar products may not be added.
  - Infant formula rebate: Federal legislation was enacted in 1986 requiring WIC state agencies to implement cost-containment practices. Since infant formula accounted for nearly 40% of all food costs, state agencies started looking into cost-containment practices to reduce infant formula costs. Many states implemented a rebate system to control costs and ensure maximum participation. MN WIC is roughly rebated 90% of the cost on every can of contract formula purchased with WIC. Formula rebates provide funding to cover 36% of MN WIC food costs. The money saved by rebates allows states to serve a significant number of additional participants.
- **Provision of maximum allowance.** Federal WIC regulations require the maximum monthly allowance of WIC foods be offered to WIC participants in full. CPAs may tailor the food package to the needs of the individual participant. See last month's Food Package memo for additional information.
- **More than one food from each WIC food category.** States are required to have more than one food from each WIC food type, except for eggs and peanut butter. Variety and choice accommodate the diverse needs of WIC participants.
  - For example, WIC-eligible cereals include those made from whole wheat, oat, rice, and other grains. The State agency must make more than one of these cereal grains available. At least half of WIC-allowed cereals must be whole grain.
- **Administrative adjustments.** The State agency determines the packaging methods (pouch, can, jar), packaging size (single container, multi-pack, case), brands, types, and physical forms allowed. The State agency cannot adjust quantities of Federally allowable WIC foods and food packages.
  - Yogurt is currently limited to quart size containers in MN since smaller containers that add up to 32 ounces are more expensive.
  - Infant food pouches are not allowed because they do not promote normal feeding skills.
- **Homeless and Other Emergency Accommodations.** Federal regulations allow State agencies to make food package adjustments to better accommodate participants who are homeless and may not have the capacity to make the best use of standard WIC foods, e.g., participant has cooking and refrigeration limitations.
  - For example, small individual serving cans of juice are available if refrigeration is a concern for a participant.

### **The Minnesota WIC APL (Approved Product List)**

The APL lists all the of the WIC-allowed foods and includes UPCs and Product descriptions.

- The APL is continually updated with new products. Most stores automatically download a new APL to their system every night, so they have the most up-to-date version available.

- At the end of every month, an updated [UPC Codes - MN WIC APL \(Approved Product List\)](#) is posted on the state WIC website.
- Most new product information comes directly from food manufacturers and corporate grocery contacts. If there is a product you would like reviewed for possible inclusion on the APL, you may send in product information and pictures using the [UPC Submission Form](#).

**Next month:** Helping participants locate benefits.

## Reference – Complete Listing of Hyperlinks

[Section 246.10 Supplemental Foods](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-246#246.10) (https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-246#246.10)

[Food Package Policy and Guidance](https://wicworks.fns.usda.gov/sites/default/files/media/document/WIC%20Food%20Package%20Policy%20Guidance%20Mar2018_508c.pdf)

(https://wicworks.fns.usda.gov/sites/default/files/media/document/WIC%20Food%20Package%20Policy%20Guidance%20Mar2018\_508c.pdf)

[UPC Codes - MN WIC APL \(Approved Product List\)](https://www.health.state.mn.us/people/wic/vendor/fpchgng/upc/index.html)

(https://www.health.state.mn.us/people/wic/vendor/fpchgng/upc/index.html)

[UPC Submission Form](https://redcap.health.state.mn.us/redcap/surveys/?s=WLJKA97PC) (https://redcap.health.state.mn.us/redcap/surveys/?s=WLJKA97PC)

Minnesota Department of Health - WIC Program, 85 E 7<sup>th</sup> Place, PO BOX 64882, ST PAUL MN 55164-0882; 651-201-4404, [health.wic@state.mn.us](mailto:health.wic@state.mn.us), [www.health.state.mn.us](http://www.health.state.mn.us); to obtain this information in a different format, call: 651-201-4404