

# WIC Food Packages....Time for a Change

## Frequently Asked Questions (FAQs)

---

\* = New or Updated as of 9-17-2010

### I. OVERVIEW OF WIC INTERIM RULE

(See [http://www.nal.usda.gov/wicworks/Learning\\_Center/Food\\_Package\\_PR.html](http://www.nal.usda.gov/wicworks/Learning_Center/Food_Package_PR.html))

### II. FARMERS AND FARMERS' MARKETS

**May a State agency authorize a farmer to accept the cash-value voucher if the State agency does not currently administer the WIC Farmers' Market Nutrition Program (FMNP)?**

Yes, any WIC State agency has the option to authorize farmers at farmers' markets to accept the cash-value voucher. The interim rule adds a new 7 CFR 246.12(v) that specifies the requirements regarding the authorization of farmers at farmers' markets. However, the interim rule requirements were designed to build on an FMNP infrastructure that already exists.

**Does the minimum stocking requirement of at least two varieties of fruits and two varieties of vegetables apply to farmers who are authorized to accept the cash-value voucher?**

No. The minimum stocking requirement does not apply to farmers authorized to accept the cash-value voucher. However, the intent of the cash-value voucher is to allow participants choice and variety. State agencies that authorize farmers to accept the cash-value voucher should consider issuing cash-value vouchers in small denominations so that participants may shop at multiple authorized farmers and farmers markets.

### III. CASH-VALUE VOUCHER

**May a participant pay the difference when the purchase of allowable fruits and vegetables exceeds the value of the fruit and vegetable voucher?**

This is a State option. However, because it may be difficult to accurately estimate the exact purchase price of the fruit and vegetable selections, particularly when fresh and canned or frozen items are combined in one purchase, FNS recommends that participants be allowed to pay the difference when the purchase price exceeds the value of the voucher. FNS believes that this promotes increased consumption of fruits and vegetables because participants would be more likely to use the full cash value, rather than partially redeem the voucher for fear of exceeding its

cash value. Since allowable WIC purchases would also be allowable Food Stamp purchases, a WIC participant who is also a Food Stamp recipient could opt to use Food Stamp benefits, cash or credit for payment of the price difference. Participants may not, however, be given cash or credit for any unused portion of the voucher.

### **Can sales tax be applied to purchases made with the cash-value voucher?**

No, sales tax may not be applied to purchases made with the cash-value voucher. However, if a participant's purchase of fruits and vegetables exceeds the amount of the cash-value voucher and the State agency allows the participant to pay cash for the additional amount, the balance is subject to sales tax. If the participant pays the balance with food stamps, the balance is not taxed.

### **Can beans be purchased with the cash-value voucher?**

Footnote 5 of Table 4 of the interim rule lists items that are not for purchase with the cash-value voucher. These items include mature legumes (beans and peas) in dry-packaged or canned forms because these are provided as separate food categories under the legume category and are provided via the regular food instrument. Beans that are not authorized under the legume category, e.g., frozen beans of any kind, including frozen forms of the types of beans authorized in the legume category, may be purchased via the cash-value voucher.

#### To summarize:

- Dried and canned mature legumes authorized under the legume category (dry beans, peas, or lentils in dry-packaged or canned forms)—*food instrument only*
- Frozen beans and any other kind of bean not authorized under the legume category—*cash-value voucher only*

## **IV. FRUITS AND VEGETABLES**

*Updated 9/17/10*

### **Can a State agency authorize only fresh fruits and vegetables?**

Yes. However, if the State agency chooses to only authorize fresh fruits and vegetables it must assure that such a decision would not adversely impact participants, such as situations where droughts limit availability of produce and homeless individuals who may have no ability to properly store fresh produce. The State agency must also consider the impact such a decision would have on small vendors.

### **Can a State agency authorize only processed fruits and vegetables?**

No. The IOM recommended fresh produce issued through cash-value vouchers. At the State agency's option, processed fruits and vegetables (canned, frozen **and/or dried**) may be substituted when fresh produce is limited or to accommodate participants who prefer processed forms. For

example, the State agency may establish a different minimum stock and variety requirement for small vendors versus larger vendors that allows small vendors to meet the requirement by solely stocking processed fruits and vegetables.

**Can a State agency authorize canned fruit or canned vegetables (one or the other but not both)?**

\* Yes. State agencies may choose to authorize one or more of the following: canned fruit, canned vegetables, frozen fruit, frozen vegetables, **dried fruit, dried vegetables**. State agencies must, however, offer both fresh fruits and fresh vegetables.

**\* Do State agencies have the authority to selectively choose which fruits or vegetables are available to WIC participants?**

No. The cash-value voucher may be redeemed for any eligible fruit and vegetable (refer to Table 4 of §246.10(e)(12) and its footnotes) **within the types (fresh, frozen, canned and/or dried) authorized by the State**. States may not impose further restrictions on eligible fruit and vegetables. **For example, if a State chooses to offer dried fruits, it must authorize all WIC-eligible dried fruits, i.e., those without added sugars, fats, oils, or sodium.**

**\* Can State agencies disallow organic fruits and vegetables?**

No. State agencies may not disallow organic fruits and vegetables purchased with the cash-value voucher. The cash-value voucher may be redeemed for any eligible fruit and vegetable (refer to Table 4 of §246.10(e)(12) of the interim rule and its footnotes) **within the types (fresh, frozen, canned and/or dried) authorized by the State**. States may not impose further restrictions on eligible fruit and vegetables. State agencies continue to have the authority to disallow, for administrative purposes, organic forms of WIC-eligible foods provided via the regular food instrument.

**Some foods like canned sweet peas have some sugar added for processing purposes, not as added sweeteners. Are these allowable foods under the "no added sugar" restriction?**

It has come to the attention of the Food and Nutrition Service that the requirement for "no added sugar" in canned vegetables may exclude some commonly consumed foods from WIC State food lists. FNS has learned from the Food and Drug Administration that small amounts of sugar are added to some foods that are naturally sugar-containing during the canning process to prevent stress resulting in membrane rupture (i.e. sweet peas). This small amount of added sugar is minimal and helps to maintain the quality and structure of the food. To encourage greater variety in food choices in the WIC food packages, canned vegetables that contain a small amount of sugar for processing purposes, such as plain canned sweet peas and corn, are allowed. (See also the FAQ related to canned beans under "LEGUMES.")

## **V. MILK AND MILK ALTERNATIVES**

### **Are lactose-reduced and lactose-free milk allowed?**

These milks are allowed.

### **Are flavored soy-based beverages that meet the nutrient standards allowed?**

Yes.

### **Is there a new Vitamin A requirement for whole milk (fluid or evaporated)?**

There has been no change in the nutrient requirements for any WIC-authorized milk. All WIC-authorized milks must be pasteurized and contain 400 International Units (IU) of vitamin D per quart of whole milk and 400 IU of vitamin D plus 2000 IU of vitamin A per quart of reduced-fat, low-fat, or fat-free milk. The nutrient requirement pertains to all authorized milks; for dried milk (i.e. powdered) and evaporated milk, vitamin requirements are per reconstituted quart.

## **VI. CANNED FISH**

### **Is Jack mackerel WIC-eligible?**

No. Jack mackerel is the scientific common name for *Trachurus symmetricus*; a number of other species are also commonly called Jack mackerel. According to the Food and Drug Administration (FDA), Jack mackerel is distinct from the two mackerel species—Chub Pacific (*Scomber japonicus*) and N. Atlantic (*Scomber scombrus*) that are authorized in the interim rule. The authorized mackerel species in the interim rule were chosen because they are lower in mercury. FDA has recently advised FNS that they do not have information on the mercury content of Jack mackerel; therefore, Jack mackerel cannot be authorized as a WIC-eligible canned fish.

### **Are canned sardines with tomato sauce or mustard allowed? What about canned sardines or other fish with flavoring, e.g., chili oil, lemon, or smoked?**

Canned sardines and other fish with added sauces and flavorings are authorized at the State agency's option.

## **VII. LEGUMES**

### **Are canned refried beans allowed?**

Yes, but only those without added sugars, fats, oil or meat as purchased are allowed.

**Some canned beans, such as kidney beans have some sugar added during processing. Are these allowable foods under the "no added sugar" restriction?**

It has come to the attention of the Food and Nutrition Service that the requirement for "no added sugar" in canned beans may exclude some commonly consumed beans from WIC State food lists. FNS has learned from the Food and Drug Administration that small amounts of sugar are added to some foods that are naturally sugar-containing during the canning process to prevent stress resulting in membrane rupture (i.e., kidney beans). This small amount of added sugar is minimal and helps to maintain the quality and structure of the food. To encourage greater variety in food choices in the WIC food packages, canned beans that contain a small amount of sugar for processing purposes, such as canned kidney beans, will be allowed.

**VIII. BREAD AND WHOLE GRAINS**

**What are some of the ingredients that are allowed for corn tortillas?**

Corn tortillas made from ground masa flour (corn flour) using traditional processing methods are WIC-eligible. Examples of primary ingredients meeting the WIC-eligibility criteria include: whole corn, corn (masa), whole ground corn, corn masa flour, masa harina, and white corn flour.

**Are whole grain rolls and buns allowed?**

Yes. As long as they meet the criteria for whole grain as defined in the interim final rule, they may be authorized.

**IX. MISCELLANEOUS**

**Are artificial sweeteners allowed?**

Yes, this continues to be a State agency option.

**Can State agencies authorize package sizes that do not evenly divide into the maximum allowance?**

State agencies must authorize container sizes that provide the full maximum monthly allowances of authorized supplemental foods on the State food list. The only exception is for an infant food or formula since rounding up is authorized in order to provide the full nutritional benefit for infants. However, in order to provide variety and choice FNS will allow State agencies the option to also authorize package sizes that provide less than the maximum allowance provided the nutritional integrity of the food package is not compromised. For example, a 15.5-ounce can of beans can be authorized as long as the State agency also authorizes a 16-ounce can that provides the maximum. It would not be appropriate to allow a 46 or 48-ounce container of juice as an option for the 64-ounce container of juice for a child. At least one package size (or combination of sizes) must add up to the full maximum monthly allowance that participants are authorized to receive. The choice to achieve the full maximum allowance must be made

available to participants and local agencies must provide appropriate education to participants about how to obtain their full food package benefit.