
Subject: Allowable Food Selection Process and Product Requirements

Effective Date: October 1, 2016

Revised from: October 1, 2015

Policy: The Kansas WIC Program will publish a list of approved foods on an as needed basis. This list will contain food approved for purchase with WIC checks. Cereal, juice, whole wheat tortillas, tofu, infant foods and soy beverage will be listed by brand name. The State Agency has established the following criteria, timeline and product requirements for food products submitted by manufacturers, wholesalers or distributors for the approved food list. The State Agency reserves the right to adjust criteria, timeline and product requirements as necessary to meet federal and state requirements and contingencies.

All food products being submitted for review must be received by the State Agency by the established timeline.

Reference: CFR §246.10

Procedure:

- 1) The SA Approved Foods Committee evaluates the food product information submitted by manufacturers, wholesalers or distributors. The findings are presented at a joint meeting of the WIC Advisory Committee and the Vendor Advisory Group. The WIC Advisory Committee together with the Vendor Advisory Group makes recommendations to the State Agency for approval or disapproval of food products.
- 2) Allowable Food Selection Criteria
 - A) Client preference may be evaluated when selecting authorized foods.
 - B) The actual retail price must not exceed 115% of the average retail price for that food category.
 - C) All food products must be readily available at Kansas WIC authorized grocers.
 - D) Food items that meet general specifications may not be approved in Kansas if:
 - i) they exhibit properties that are inconsistent with sound nutrition practices;
 - ii) they convey consumer messages that conflict with the WIC Program mission;
 - iii) there is potential for confusion for authorized grocers and/or clients (e.g. juices from one manufacturer have a similar name/package design of other products that do not qualify for the WIC Program);
 - iv) other objective reasons as documented by the State Agency, the WIC Advisory Committee or the Vendor Advisory Group.
- 3) Timeline for Product Submission & Updating the Food List (12 month process)
 - A) Months 1 and 2

Subject: Allowable Food Selection Process and Product Requirements

- i) Send out email to manufacturers/distributors notifying them of the open food submission period. Information will also be posted on the Kansas WIC website.
 - B) Months 3 - 5
 - i) Product information is evaluated and first round decisions are made by the SA Approved Foods Committee.
 - ii) The Approved Foods Committee submits recommendations at a joint meeting of the WIC Advisory Committee and the Vendor Advisory Group.
 - C) Month 6
 - i) State Agency approval
 - ii) Send to USDA for approval
 - D) Months 7 and 8
 - i) Notify manufacturers/distributors of food selection decisions.
 - E) Month 9
 - i) Send final product information to printer (printer provides Spanish translation).
 - F) Month 10
 - i) Generate list of quantities to be mailed to whom.
 - G) Month 11
 - i) Vendors and clients receive a document comparing the old and new list of approved foods.
 - ii) Shipments of the food list sent out to Local Agencies and authorized vendors
 - H) Month 12
 - i) The new list of approved foods becomes effective. There will be a three-month phase during which clients will be allowed to purchase foods listed in either the old or the new WIC Program Booklet. After the three-month phase, clients will be able to purchase only those foods listed in the new WIC Program Booklet.
- 4) Pursuant to Federal Regulation §246.10, the State Agency reserves the right to deny approval for any submitted product.
- 5) Food companies are responsible for notifying the State Agency of any changes in food product name, nutrient composition or product packaging prior to implementing the change. If the product no longer meets the state requirements defined in the WIC food product policies and guidelines, the State Agency will delete that product from the current approved food list. If the food company does not notify the State Agency of impending changes, the State Agency may delete that company's entire line of products from the current approved food list.
- 6) Pursuant to USDA WIC Policy Memorandum #2009-1, food manufacturers shall not use the WIC Acronym or the WIC logo in any manner on their goods, containers,

Subject: Allowable Food Selection Process and Product Requirements

packaging, or on tags and labels. Manufacturers shall not use the WIC Logo in advertising or other promotional materials.

7) Product Requirements:

A) Cereal

- i) Product submission for cereal products must include:
 - (1) the full 12 digit UPC for each product and package size;
 - (2) a listing of all container sizes marketed in Kansas;
 - (3) grams of dry cereal per serving;
 - (4) a product nutrient analysis containing:
 - (a) amount of iron milligrams per 100 grams dry cereal
 - (b) amount of total sugars in grams per 100 grams dry cereal
 - (c) amount of fiber in grams per serving dry cereal
 - (d) amount of saturated fat in grams per serving dry cereal
 - (e) amount of cholesterol in grams per serving dry cereal
 - (f) amount of trans fat in grams per serving dry cereal
 - (g) amount of total fat in grams per serving dry cereal
 - (5) percent whole grain;
 - (6) an ingredient list in descending order of predominance;
 - (7) assurance that the product meets labeling requirements for making a health claim as a "Whole Grain Food with Moderate Fat Content"; and
 - (8) a JPEG image of the product.

- ii) Must meet or exceed the following guidelines:
 - (1) must contain at least 28 milligrams of iron per 100 grams dry cereal;
 - (2) must contain less than or equal to 21.2 grams of sucrose and other sugars per 100 grams dry cereal (≤ 6 g per dry oz);
 - (3) may not contain non-nutritive sweeteners (such as aspartame or saccharin);
 - (4) at least half of the cereals authorized on a State agency's food list must have whole grain as the primary ingredient; and
 - (5) must be in 11 ounce or larger packages.

Subject: Allowable Food Selection Process and Product Requirements

B) Juice

- i) Product submission for juices must include:
 - (1) the full 12 digit UPC for each product and package size;
 - (2) a listing of all package sizes marketed in Kansas;
 - (3) product nutrient analysis containing:
 - (a) quantity of vitamin C in milligrams per 100 milliliters of juice (reconstituted);
 - (4) an ingredient list in descending order of predominance; and
 - (5) a JPEG image of the product.

- ii) Must meet or exceed the following guidelines:
 - (1) be 100% juice;
 - (2) may not contain added sugar or non-nutritive sweeteners;
 - (3) contain a minimum of 30 milligrams of vitamin C per 100 milliliters of juice; and
 - (4) be pasteurized.

- iii) Must be in allowed container sizes of:
 - (1) 11.5-12 ounce concentrate;
 - (2) 64 ounce ready to drink containers; and
 - (3) 6.75 ounce ready to drink containers.

C) Whole Wheat Tortillas

- i) Product submission for whole wheat tortillas must include:
 - (1) the full 12 digit UPC for each product and package size;
 - (2) a listing of all package sizes marketed in Kansas;
 - (3) percent whole grain;
 - (4) product nutrient analysis containing:
 - (a) amount of total fat in grams per serving
 - (b) amount of trans fat in grams per serving
 - (c) amount of sodium in milligrams per serving
 - (d) amount of fiber in grams per serving
 - (5) an ingredient list in descending order of predominance;
 - (6) a list of distributors in Kansas that carry the product; and
 - (7) a JPEG image of the product.

- ii) Must meet or exceed the following guidelines:
 - (1) whole wheat flour must be the only flour listed in the ingredient list; and
 - (2) must be in 16 ounce packages;

Subject: Allowable Food Selection Process and Product Requirements

D) Tofu

- i) Product submission for tofu products must include:
 - (1) the full 12 digit UPC for each product and package size;
 - (2) a listing of all package sizes marketed in Kansas;
 - (3) a product nutrient analysis containing:
 - (a) amount of calcium in milligrams per serving
 - (4) an ingredient list in descending order of predominance;
 - (5) listing of all distributors in Kansas that carry the product; and
 - (6) a JPEG image of the product.

- ii) Must meet or exceed the following guidelines:
 - (1) must be prepared with only calcium salts; and
 - (2) may not contain fats, sugars, oils or sodium.

E) Infant Foods

- (1) Infant cereal must contain a minimum of 45 mg of iron per 100 g of dry cereal.

F) Soy Beverage

- i) Product submission for soy beverage products must include:
 - (1) the full 12 digit UPC for each product and package size;
 - (2) a listing of all package sizes marketed in Kansas;
 - (3) a product nutrient analysis containing:
 - (a) amount of calcium in milligrams per cup
 - (b) amount of protein in grams per cup
 - (c) amount of vitamin A in IUs per cup
 - (d) amount of vitamin D in IUs per cup
 - (e) amount of magnesium in milligrams per cup
 - (f) amount of phosphorus in milligrams per cup
 - (g) amount of potassium in milligrams per cup
 - (h) amount of riboflavin in milligrams per cup
 - (i) amount of vitamin B12 in micrograms per cup
 - (4) an ingredient list in descending order of predominance;
 - (5) listing of all distributors in Kansas that carry the product; and
 - (6) a JPEG image of the product.

- ii) Must contain, at a minimum, the following nutrients:
 - (1) 276 mg calcium per cup;
 - (2) 8g protein per cup;
 - (3) 500 IU vitamin A per cup;
 - (4) 100 IU vitamin D per cup;
 - (5) 24 mg magnesium per cup;
 - (6) 222 mg phosphorus per cup;
 - (7) 349 mg potassium per cup;

Subject: Allowable Food Selection Process and Product Requirements

- (8) 0.44 mg riboflavin per cup; and
- (9) 1.1 mcg vitamin B12 per cup.

iii) May be refrigerated or shelf stable.

iv) Must be in allowed container size of 64 ounces.

G) Yogurt

- i) Product submission for yogurt products must include:
 - (1) the full 12 digit UPC for each product and package size;
 - (2) a listing of all package sizes marketed in Kansas; and
 - (3) a product nutrient analysis containing:
 - (a) amount of total sugars per cup
 - (b) amount of fat per cup
 - (c) amount of vitamin A per cup
 - (d) amount of vitamin D per cup
- ii) Yogurt must be pasteurized and conform to FDA standard of identity for whole fat (21 CFR 131.200), low fat (21 CFR 131.203), or nonfat (21 CFR 131.206).
- iii) May be plain or flavored.
- iv) Must be ≤ 40 g of total sugars per 1 cup yogurt.
- v) Must be in the allowed container size of 32 ounces.