

# **Maine Center for Disease Control and Prevention WIC Nutrition Program Food Packages**

Appendix NS-2-A

## **1. Food Package I: Infants 0-5 months**

Infant formula issuance in Food Package I is based on age (Food Package IA: Infants 0-3 months and Food Package IB: Infants 4-5 months) as well as physical form of formula (concentrate, powder or ready to use). Formulas issued in this food package are limited to contract standard cow's milk based and soy-based formulas, lactose-free formulas, and formulas with added rice starch. Formulas for special medical needs are issued in Food Package III.

Ready to use infant formula may be issued in Food Package I when:

- The participant's household has an unsanitary or restricted water supply or poor refrigeration
- The person caring for the participant may have difficulty in correctly diluting concentrated or powder forms
- The WIC infant formula is only available in ready-to-use.

## 2. Food Package II: Infants 6-11 months

Infant formula issuance in Food Package II is based on physical form of formula (concentrate, powder, or ready to use). Formulas issued in this food package are limited to contract standard cow's milk based or soy-based formulas, lactose-free formulas, and formulas with added rice starch. Formulas for special medical needs are issued in Food Package III.

Issuance of ready to use infant formula in Food Package II is the same as described above for Food Package I.

**Table 1:** Food Packages I, II, and III: Full Nutrition Benefit (FNB) and Maximum Monthly Allowances (MMA) of Supplemental Foods for Infants by Feeding Option

Foods	Fully Formula Fed (FF)		Partially (mostly) Breastfed (BF/FF)		Fully Breastfed (BF)	
	Food Packages I-FF & III-FF A: 0 through 3 months B: 4 through 5 months	Food Packages II-FF & III-FF 6 through 11 months	Food Packages IBF/FF & III BF/FF A: 0 through 3 months B: 4 through 5 months	Food Packages II BF/FF & III BF/FF 6 through 11 months	Food Package I-BF 0 through 5 months	Food Package II-BF 6 through 11 months
Formula <sup>1 2 3 4 5 6</sup>	A: FNB = Up to 806 fl oz. MMA = 823 fl oz reconstituted liquid concentrate or 832 fl oz RTF or 870 fl oz reconstituted powder	FNB = Up to 624 fl oz. MMA = 630 fl oz reconstituted liquid concentrate or 643 fl oz RTF or 696 fl oz reconstituted powder	A: FNB = Up to 364 fl oz. MMA = 388 fl oz reconstituted liquid concentrate or 384 fl oz RTF or 435 fl oz reconstituted powder	FNB = Up to 312 fl oz. MMA = 315 fl oz reconstituted liquid concentrate or 338 fl oz RTF or 384 fl oz reconstituted powder	N/A	N/A
	B: FNB = Up to 884 fl oz. MMA = 896 fl oz reconstituted liquid concentrate or 913 fl oz RTF or 960 fl oz reconstituted powder		B: FNB = Up to 442 fl oz. MMA = 460 fl oz reconstituted liquid concentrate or 474 fl oz RTF or 522 fl oz reconstituted powder			
Infant Cereal <sup>7</sup>	N/A	8 oz	N/A	8 oz	N/A	16 oz.
Infant food fruits and vegetables <sup>8 9</sup>	N/A	128 oz	N/A	128 oz	N/A	128 oz.
Infant food meat	N/A	N/A	N/A	N/A	N/A	40 oz.

<sup>1</sup> Amounts represent the FNB defined as the minimum amount of reconstituted fluid ounces of liquid concentrate infant formula as specified for each infant food package category and feeding variation. The FNB is based on a 13-ounce can that formed the basis of substitution rates for other physical forms of infant formula (i.e., powder and RTF infant formula).

<sup>2</sup> Following a WIC nutrition and breastfeeding assessment of the needs of the dyad, breastfed infants, even those in the fully formula fed category, should be issued the quantity of formula needed to support any level of breastfeeding up to the FNB. This amount may be less than the FNB.

<sup>3</sup> WIC formula means infant formula, exempt infant formula, or WIC-eligible nutritionals. Infant formula may be issued for infants in Food Packages I, II and III. Medical documentation is required for issuance of WIC formula and other supplemental foods in Food Package III. Only infant formula may be issued for infants in Food Packages I and II.

<sup>4</sup> State agencies must issue whole containers that are all the same size of the same physical form.

<sup>5</sup> The MMA is specified in reconstituted fluid ounces for liquid concentrate, RTF liquid, and powder forms of infant formula and exempt infant formula. Reconstituted fluid ounce is the form prepared for consumption as directed on the container. Formula provided to infants in any form may not exceed the MMA.

<sup>6</sup> The FNB is intended to provide close to 100 percent of the nutritional needs of a non-breastfed infant from birth to 6 months. State agencies must provide at least the FNB authorized to non-breastfed infants up to the MMA for the physical form of the product specified for each food package category unless the food package is tailored to allow “up to” amounts to support breastfeeding.

<sup>7</sup> In lieu of infant foods (cereal, fruit, and vegetables), infants older than 6 months of age in Food Package III may receive WIC formula (infant formula, exempt infant formula, or WIC-eligible nutritionals) at the same MMA as infants ages 4 through 5 months of age of the same feeding option.

<sup>8</sup> At State agency option, infants 6 through 11 months in Food Packages II and III may receive a cash-value benefit (CVB) to purchase fruits and vegetables in lieu of the infant food fruits and vegetables. Fully breastfed infants, partially (mostly) breastfed infants, and fully formula fed infants may substitute half (64 oz.) or all (128 oz.) of jarred infant fruits and vegetables with a \$10 or \$20 CVB, respectively. The monthly value of the CVB substitution amounts for infant fruits and vegetables will be adjusted annually for inflation consistent with the annual inflation adjustments made to CVB values for women and children. State agencies must authorize fresh and one other form (frozen or canned). Dried fruits and vegetables are not authorized for infants. The CVB may be redeemed for any eligible fruit and vegetable (refer to table 4 of paragraph (e)(12) of this section and its footnotes).

<sup>9</sup> State agencies may not categorically issue a CVB for infants 6 through 11 months. The CVB is to be provided to the participant only after an individual nutrition assessment, as established by State agency policy. State agencies must ensure that appropriate nutrition education is provided to the caregiver addressing developmental readiness, safe food preparation, storage techniques, and feeding practices to make certain participants are meeting their nutritional needs in a safe and effective manner.

### **3. Food Package III: Pregnant/Postpartum Participants, Infants and Children with Qualifying Conditions**

Infant formula and WIC-eligible nutritionals in Food Package III is for infants, children, and pregnant or postpartum participants with qualifying medical conditions, and is based on both age as well as physical form of formula (concentrate, powder, ready to use). Exempt infant formulas and WIC-eligible nutritionals are issued in this food package along with supplemental foods appropriate for the participant category. All items issued (formula, WIC-eligible nutritionals, and/or supplemental foods) must be prescribed by the medical provider for participants receiving this food benefit, whether the formula is provided by WIC or another provider. The medical provider may make a referral to the WIC registered dietitian and/or qualified nutritionist for identifying appropriate supplemental foods and their prescribed amounts, as well as the length of time the supplemental foods are required by the participant, with the referral acknowledged on the medical documentation form.

These food benefits may not be issued to:

- An infant whose only condition is:
  - diagnosis of formula intolerance or food allergy to lactose, sucrose, milk protein or soy protein that does not require the use of exempt infant formula
  - a non-specific formula or food intolerance
- Pregnant/postpartum participants or children who have a food intolerance to lactose or milk protein that can be successfully managed with use of another WIC food benefit
- Any participant solely for the purpose of enhancing nutrient intake or managing body weight without an underlying qualifying condition.

WIC-eligible nutritionals (including exempt infant formulas) issued in Food Package III may be issued in ready to feed form for the same reasons listed for Food Packages I and II, as well as:

- The ready to feed form better accommodates the participant's condition
- The ready to feed form improves the participant's compliance in consuming the prescribed WIC formula
- **Infants 0-3 months:** formula issuance amounts are the same as Food Package IA
- **Infants 4-5 months:** formula issuance amounts are the same as Food Package IB
- **Infants 6-11 months:** formula and infant food issuance (including issuance of cash value voucher for fresh fruits and/or vegetables in lieu of infant fruits and/or vegetables) amounts are the same as Food Package II. Infants who are unable to begin solid foods at or after 6 months may receive exempt infant formula at the same maximum monthly allowance as infants 4-5 months of age of the same feeding option.

**Table 2: Food Package III: Maximum Monthly Allowances (MMA) of Supplemental Foods for Children and Women With Qualifying Conditions**

Foods <sup>1</sup>	Children	Women		
	A: 12 through 23 months B: 2 through 4 years	A: Pregnant B: Partially (Mostly) Breastfeeding (up to 1 year postpartum) <sup>2</sup>	Postpartum (up to 6 months postpartum) <sup>3</sup>	Fully Breastfeeding (up to 1 year postpartum) <sup>4 5</sup>
Juice, single strength <sup>6 7</sup>	64 fl oz	64 fl oz	64 fl oz	64 fl oz.
WIC formula <sup>8 9</sup>	Up to 455 fl oz liquid concentrate	Up to 455 fl oz liquid concentrate	Up to 455 fl oz liquid concentrate	Up to 455 fl oz liquid concentrate.
Milk, fluid <sup>10 11 12 13 14 15 16 17</sup>	A: 12 qt. <sup>10 11 13 14 16</sup> B: 14 qt. <sup>10 12 13 14 15 16</sup>	16 qt. <sup>10 12 13 14 15 17</sup>	16 qt. <sup>10 12 13 14 15 17</sup>	16 qt. <sup>10 12 13 14 15 17</sup>
Breakfast cereal <sup>18 19</sup>	36 oz	36 oz	36 oz	36 oz.
Eggs <sup>20</sup>	1 dozen	1 dozen	1 dozen	2 dozen.
Fruits and vegetables <sup>21 22 23</sup>	\$26.00 CVV	A: \$48.00 CVV. B: \$52.00 CVV	\$48.00 CVV	\$52.00 CVV.

Foods <sup>1</sup>	Children	Women		
	A: 12 through 23 months B: 2 through 4 years	A: Pregnant B: Partially (Mostly) Breastfeeding (up to 1 year postpartum) <sup>2</sup>	Postpartum (up to 6 months postpartum) <sup>3</sup>	Fully Breastfeeding (up to 1 year postpartum) <sup>4 5</sup>
Whole wheat or whole grain bread <sup>24</sup>	24 oz	48 oz	48 oz	48 oz.
Fish (canned) <sup>25 26</sup>	6 oz	A: 10 oz. B: 15 oz	10 oz	20 oz.
Mature Legumes <i>and/or</i> Peanut butter <sup>27</sup>	1 lb dry or 64 oz canned Or 18 oz	1 lb dry or 64 oz canned And 18 oz	1 lb dry or 64 oz canned Or 18 oz	1 lb dry or 64 oz canned And 18 oz.

Note: Abbreviations in order of appearance in table: N/A = Not applicable (the supplemental food is not authorized in the corresponding food package); CVV = cash-value voucher.

<sup>1</sup> Table 4 to paragraph (e)(12) of this section describes the minimum requirements and specifications for supplemental foods (see [https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-246/subpart-D/section-246.10#p-246.10\(e\)\(12\)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-246/subpart-D/section-246.10#p-246.10(e)(12))) . Food Package III is issued to participants with qualifying medical conditions that require use of a WIC formula and supplementary foods under the direction of a health care provider. Per paragraph (b)(2)(ii)(A) of this section, State agencies must make the full MMA of all foods available to participants by providing at least one package size (or combination of sizes) that add up to the full MMA. However, per paragraph (b)(1)(iii) of this section, State agencies may authorize other package sizes (excluding WIC formula) to increase participant variety and choice. The competent professional authority (CPA) is authorized to determine nutritional risk and prescribe supplemental foods per medical documentation, as established by State agency policy.

<sup>2</sup> Food Package III-A for women is issued to participants with singleton pregnancies. Food Package III-B for women is issued to two categories of participants: women pregnant with two or more fetuses and breastfeeding women whose partially (mostly) breastfed infants receive formula from WIC in amounts that do not exceed the maximum formula allowances, as appropriate for the age of the infant as described in table 1 to paragraph (e)(9) of this section.

<sup>3</sup> This food package is issued to two categories of WIC participants: non-breastfeeding postpartum women and breastfeeding postpartum women whose infants receive more than the maximum infant formula allowances from WIC for partially (mostly) breastfed infants, as appropriate for the age of the infant as described in table 1 to

paragraph (e)(9) of this section.

<sup>4</sup> This food package is issued to three categories of WIC participants: fully breastfeeding women whose infants do not receive formula from WIC; women partially (mostly) breastfeeding multiple infants from the same pregnancy; and pregnant women who are also fully or partially (mostly) breastfeeding singleton infants.

<sup>5</sup> Women fully breastfeeding multiple infants from the same pregnancy are prescribed 1.5 times the MMA.

<sup>6</sup> Combinations of single-strength and concentrated juices may be issued provided that the total volume does not exceed the MMA for single-strength juice.

<sup>7</sup> As determined appropriate by the health care provider per medical documentation, children and women may choose to substitute a \$3 CVV for the full juice amount (64 fluid ounces)—a partial CVV substitution for juice is not authorized—or use their \$3 CVV for jarred infant food fruits and vegetables. State agencies must use the conversion of \$1 CVV = 6.25 ounces of jarred infant food fruits and vegetables. The monthly value of the CVV substitution amount for juice will be adjusted annually for inflation consistent with the inflation adjustments made to women and children's CVV values.

<sup>8</sup> WIC formula means infant formula, exempt infant formula, or WIC-eligible nutritionals. Participants may receive up to 455 fluid ounces of a WIC formula (liquid concentrate) as determined appropriate by the health care provider per medical documentation. The number of fluid ounces refers to the amount as prepared according to directions on the container.

<sup>9</sup> Powder and ready-to-feed may be substituted at rates that provide comparable nutritive value.

<sup>10</sup> Regular and lactose-free milk must be authorized. “Regular milk” refers to milk that conforms to FDA standard of identity 21 CFR 131.110 and contains lactose exclusive of fat content (e.g., low-fat milk). State agencies have the option to authorize plant-based milk alternatives, yogurts, and cheeses, described in table 4 of paragraph (e)(12) of this section and its footnotes, as determined appropriate by the health care provider per medical documentation.

<sup>11</sup> Whole milk is the standard milk for issuance to 1-year-old children (12 through 23 months). Whole fat or low-fat yogurts may be substituted for fluid milk for 1-year-old children, and both are standard issuance when substituting yogurt. Fat-reduced milks or nonfat yogurt may be issued to 1-year-old children as determined appropriate by the health care provider per medical documentation.

<sup>12</sup> Low-fat (1%) or nonfat milks are the standard milk for issuance to children  $\geq$ 24 months of age and women. Whole milk or reduced-fat (2%) milk may be substituted for low-fat (1%) or nonfat milk for children  $\geq$ 24 months of age and women as determined appropriate by the health care provider per medical documentation.

<sup>13</sup> Evaporated milk may be substituted at the rate of 16 fluid ounces of evaporated milk per 32 fluid ounces of fluid milk (a 1:2 fluid ounce substitution ratio). Dry milk may be substituted at an equal reconstituted rate to fluid milk.

<sup>14</sup> For children and women, 1 pound of cheese (dairy- and/or plant-based) may be substituted for 3 quarts of milk and 1 quart of yogurt (dairy- and/or plant-based) may be substituted for 1 quart of milk as determined appropriate by the health care provider per medical documentation. A maximum of 2 quarts of yogurt that may be substituted for 2 quarts of milk for both children and women. Fully breastfeeding women may substitute up to 2 pounds of cheese for 6 quarts of milk. Children and pregnant, partially breastfeeding, and postpartum women may substitute no more than 1 pound of cheese. State agencies do not have the option to issue additional amounts of cheese or yogurt beyond these maximums even with medical documentation.

<sup>15</sup> For children  $\geq$ 24 months of age and women, low-fat or nonfat yogurts are the only types of yogurts authorized. Whole or reduced-fat yogurt may be substituted for low-fat or nonfat yogurt for children  $\geq$ 24 months of age and women as determined appropriate by the health care provider per medical documentation.

<sup>16</sup> For children, issuance of tofu and plant-based milk alternatives may be substituted for milk as determined appropriate by the health care provider per medical documentation. Plant-based milk alternatives may be substituted for milk for children on a quart for quart basis up to the total MMA of milk. Tofu may be substituted for milk for children at the rate of 1 pound of tofu per 1 quart of milk up to the MMA of milk, as determined appropriate by the health care provider per medical documentation.

<sup>17</sup> For women, plant-based milk alternatives may be substituted for milk on a quart for quart basis up to the total MMA of milk. Tofu may be substituted for milk at the rate of 1 pound of tofu per 1 quart of milk up to the MMA of Appendix NS-2-A

milk, as determined appropriate by the health care provider per medical documentation.

<sup>18</sup> 32 dry ounces of infant cereal may be substituted for 36 ounces of breakfast cereal as determined appropriate by the health care provider per medical documentation.

<sup>19</sup> At least 75 percent of cereals authorized on a State agency's authorized food list must meet whole grain criteria for breakfast cereal (refer to table 4 to paragraph (e)(12) of this section and its footnotes).

<sup>20</sup> State agencies must authorize substitution of dry legume (1 pound), canned legumes (64 ounces), and peanut butter (18 ounces) for each 1 dozen eggs and, at State agency option, State agencies may authorize tofu (1 pound) or nut and seed butters (18 ounces) to substitute for each 1 dozen eggs as determined appropriate by the health care provider per medical documentation.

<sup>21</sup> State agencies must authorize fresh and one other form (i.e., canned (shelf-stable), frozen, and/or dried) of fruits and vegetables. State agencies may choose to authorize additional or all processed forms of fruits and vegetables. The CVV may be redeemed for any eligible fruit and vegetable (refer to table 4 to paragraph (e)(12) of this section and its footnotes). Except as authorized in paragraph (b)(1)(i) of this section, State agencies may not selectively choose which fruits and vegetables are available to participants. For example, if a State agency chooses to offer dried fruits, it must authorize all WIC-eligible dried fruits.

<sup>22</sup> Children and women whose special dietary needs require the use of pureed foods may receive commercial jarred infant food fruits and vegetables in lieu of the CVV. For children and women who require jarred infant food fruits and vegetables in place of the CVV, State agencies must use the conversion of \$1 CVV = 6.25 ounces of jarred infant food fruits and vegetables. Infant food fruits and vegetables may be substituted for the CVV as determined appropriate by the health care provider per medical documentation.

<sup>23</sup> The monthly value of the fruit/vegetable CVV will be adjusted annually for inflation as described in § 246.16(j).

<sup>24</sup> Whole wheat or whole grain bread must be authorized. State agencies have the option to also authorize other whole grain options as described in table 4 to paragraph (e)(12) of this section and its footnotes.

<sup>25</sup> Issuance of smaller container sizes is encouraged to reduce the likelihood of exceeding a safe weekly consumption level of methylmercury. The U.S. Food and Drug Administration (FDA) and the U.S. Environmental Protection Agency (EPA) provide joint advice regarding fish consumption to limit methylmercury exposure for children. As noted in their 2021 joint advice, depending on body weight, some women and some children should choose fish lowest in methylmercury or eat less fish than the amounts in the 2020-2025 DGA Healthy US-Style Dietary Pattern. More information is available on the FDA and EPA websites at FDA.gov/fishadviceandEPA.gov/fishadvice.

<sup>26</sup> As noted in the 2021 FDA-EPA joint advice about eating fish, for some children, depending on age and caloric needs, the amounts of fish in the 2020-2025 DGA are higher than in the FDA-EPA advice. The DGA states that to consume these higher amounts, these children should consume only fish from the “Best Choices” list that are even lower in mercury—among the WIC-eligible varieties, these include Atlantic mackerel, salmon, and sardines.

<sup>27</sup> State agencies are required to offer both mature dry (1 pound) and canned (64 ounces) legumes. For food packages that provide both legumes and peanut butter, State agencies may issue the following combinations: 1 pound dry and 64 oz. canned legumes (and no peanut butter); 2 pounds dry or 128 oz. canned legumes (and no peanut butter); or 36 oz. peanut butter (and no legumes). State agencies have the option to authorize other nut and seed butters as a substitute for peanut butter (on a 1:1 ounce substitution ratio), as described in table 4 of paragraph (e)(12) of this section and its footnotes, as determined appropriate by the health care provider per medical documentation.

**4. Table 3: Food Packages IV, V, VI, and VII: Maximum Monthly Allowances (MMA) of Supplemental Foods for Children and Women**

Foods <sup>1</sup>	Children	Women		
	Food Package IV A: 12 through 23 months B: 2 through 4 years	Food Package V A: Pregnant B: Partially (Mostly) Breastfeeding (up to 1 year postpartum) <sup>2</sup>	Food Package VI Postpartum (up to 6 months postpartum) <sup>3</sup>	Food Package VII Fully Breastfeeding (up to 1 year postpartum) <sup>4 5</sup>
Juice, single strength <sup>6 7</sup>	64 fl oz	64 fl oz	64 fl oz	64 fl oz.
Milk, fluid <sup>8 9 10 11 12 13 14 15</sup>	A: 12 qt. <sup>8 9 11 12 14</sup> B: 14 qt. <sup>8 10 11 12 13 14</sup>	16 qt. <sup>8 10 11 12 13 15</sup>	16 qt. <sup>8 10 11 12 13 15</sup>	16 qt. <sup>8 10 11 12 13 15</sup>
Breakfast cereal <sup>16</sup>	36 oz	36 oz	36 oz	36 oz.
Eggs <sup>17</sup>	1 dozen	1 dozen	1 dozen	2 dozen.
Fruits and vegetables <sup>18 19</sup>	\$26.00 CVV	A: \$48.00 CVV. B: \$52.00 CVV	\$48.00 CVV	\$52.00 CVV
Whole wheat or whole grain bread <sup>20</sup>	24 oz	48 oz	48 oz	48 oz.

Foods <sup>1</sup>	Children	Women		
	Food Package IV A: 12 through 23 months B: 2 through 4 years	Food Package V A: Pregnant B: Partially (Mostly) Breastfeeding (up to 1 year postpartum) <sup>2</sup>	Food Package VI Postpartum (up to 6 months postpartum) <sup>3</sup>	Food Package VII Fully Breastfeeding (up to 1 year post-partum) <sup>4 5</sup>
Fish (canned) <sup>21 22</sup>	6 oz	A: 10 oz. B: 15 oz	10 oz	20 oz.
Mature Legumes <i>and/or</i> Peanut butter <sup>23</sup>	1 lb dry or 64 oz canned Or 18 oz	1 lb dry or 64 oz canned And 18 oz	1 lb dry or 64 oz canned Or 18 oz	1 lb dry or 64 oz canned And 18 oz.

Note: Abbreviations in order of appearance in table: N/A = Not applicable (the supplemental food is not authorized in the corresponding food package); CVV = cash-value voucher.

<sup>1</sup> Table 4 to paragraph (e)(12) of this section describes the minimum requirements and specifications for supplemental foods. Per paragraph (b)(2)(ii)(A) of this section, State agencies must make the full MMA of all foods available to participants by providing at least one package size (or combination of sizes) that add up to the full MMA. However, per paragraph (b)(1)(iii) of this section, State agencies may authorize other package sizes to increase participant variety and choice. The competent professional authority (CPA) is authorized to determine nutritional risk and prescribe supplemental foods as established by State agency policy.

<sup>2</sup> Food Package V-A (see paragraph (e)(5) of this section) is issued to women participants with singleton pregnancies. Food Package V-B (see paragraph (e)(5)) is issued to two categories of WIC participants: breastfeeding women whose partially (mostly) breastfed infants receive formula from WIC in amounts that do not exceed the maximum formula allowances, as appropriate for the age of the infant as described in table 1 to paragraph (e)(9) of this section, and women pregnant with two or more fetuses.

<sup>3</sup> Food Package VI is issued to two categories of WIC participants: non-breastfeeding postpartum women and breastfeeding postpartum women whose infants receive more than the maximum infant formula allowances from WIC for partially (mostly) breastfed infants, as appropriate for the age of the infant as described in table 1 to paragraph (e)(9) of this section.

<sup>4</sup> Food Package VII is issued to three categories of WIC participants: fully breastfeeding women whose infants do not receive formula from WIC; women partially (mostly) breastfeeding multiple infants from the same pregnancy; and pregnant women who are also fully or partially (mostly) breastfeeding singleton infants.

<sup>5</sup> Women fully breastfeeding multiple infants from the same pregnancy are prescribed 1.5 times the MMA.

<sup>6</sup> Combinations of single-strength and concentrated juices may be issued provided that the total volume does not exceed the MMA for single-strength juice.

<sup>7</sup> Children and women may choose to substitute a \$3 CVV for the full juice amount (64 fluid ounces). The monthly value of the CVV substitution amount for juice will be adjusted annually for inflation consistent with the annual inflation adjustments made to CVV values for women and children. A partial CVV substitution for juice is not authorized. The CVV may be redeemed for any eligible fruit and vegetable (refer to table 4 of paragraph (e)(12) to this section and its footnotes).

<sup>8</sup> Regular and lactose-free milk must be authorized. “Regular milk” refers to milk that conforms to FDA standard of identity 21 CFR 131.110 and contains lactose exclusive of fat content (e.g., low-fat milk). State agencies have the option to authorize plant-based milk alternatives, yogurts, and cheeses, described in table 4 to paragraph (e)(12) of this section and its footnotes, as milk substitution options when individually tailoring food packages.

<sup>9</sup> Whole milk is the standard milk for issuance to 1-year-old children (12 through 23 months). Whole fat or low-fat yogurts may be substituted for fluid milk for 1-year-old children, and both are standard issuance when substituting yogurt. Fat-reduced milks or nonfat yogurt may be issued to 1-year-old children for whom overweight or obesity is a concern. The need for fat-reduced milks or nonfat yogurt for 1-year-old children must be based on an individual nutritional assessment.

<sup>10</sup> Low-fat (1%) or nonfat milks are the standard milk for issuance to children  $\geq$ 24 months of age and women. Reduced-fat (2%) milk is authorized only for participants with certain conditions, including but not limited to, underweight and maternal weight loss during pregnancy. The need for reduced-fat (2%) milk for children receiving Food Package IV-B and women must be based on an individual nutritional assessment.

<sup>11</sup> Evaporated milk may be substituted at the rate of 16 fluid ounces of evaporated milk per 32 fluid ounces of fluid milk (i.e., 1:2 fluid ounce substitution ratio). Dry milk may be substituted at an equal reconstituted rate to fluid milk.

<sup>12</sup> For children and women, 1 pound of cheese (dairy and/or plant-based) may be substituted for 3 quarts of milk; 1 quart of yogurt (dairy and/or plant-based) may be substituted for 1 quart of milk with a maximum of 2 quarts of yogurt that may be substituted for 2 quarts of milk. Women receiving Food Package VII may substitute up to of 2 pounds of cheese for 6 quarts of milk. For children and women in Food Packages IV through VI, no more than 1 pound of cheese may be substituted. State agencies do not have the option to issue additional amounts of cheese or yogurt beyond these maximums even with medical documentation.

<sup>13</sup> For children  $\geq$ 24 months of age (Food Package IV-B) and women, low-fat or nonfat yogurts are the only types of yogurts authorized.

<sup>14</sup> When individually tailoring food packages for children, plant-based milk alternatives may be substituted for milk on a quart for quart basis up to the total MMA of milk; tofu may be substituted for milk for children at the rate of 1 pound of tofu per 1 quart of milk up to the MMA for milk.

<sup>15</sup> When individually tailoring food packages for women, plant-based milk alternatives may be substituted for milk on a quart for quart basis up to the total MMA of milk; tofu may be substituted for milk at the rate of 1 pound of tofu per 1 quart of milk up to the total MMA of milk.

<sup>16</sup> At least 75 percent of cereal on a State agency's authorized food list must meet whole grain criteria for breakfast cereal (refer to table 4 to paragraph (e)(12) of this section and its footnotes).

<sup>17</sup> State agencies must authorize substitution of dry legumes (1 pound), canned legumes (64 ounces), and peanut butter (18 ounces) for each 1 dozen eggs when individually tailoring food packages. At State agency option, State agencies may authorize tofu (1 pound) or nut and seed butters (18 ounces) to substitute for each 1 dozen eggs when individually tailoring food packages.

<sup>18</sup> State agencies must authorize fresh and one other form of processed (i.e., canned (shelf-stable), frozen, and/or dried) fruits and vegetables. State agencies may choose to authorize additional or all processed forms of fruits and vegetables. The CVV may be redeemed for any eligible fruit and vegetable (refer to table 4 to paragraph (e)(12) of this section and its footnotes). Except as authorized in paragraph (b)(1)(i) of this section, State agencies may not selectively choose which fruits and vegetables are available to participants. For example, if a State agency chooses to offer dried fruits, it must authorize all WIC-eligible dried fruits.

<sup>19</sup> The monthly value of the fruit/vegetable CVV will be adjusted annually for inflation using fiscal year 2022 as the base year as described in § 246.16(j).

<sup>20</sup> Whole wheat or whole grain bread must be authorized. State agencies have the option to also authorize other whole grain options as described in table 4 to paragraph (e)(12) of this section and its footnotes.

<sup>21</sup> Issuance of smaller container sizes is encouraged to reduce the likelihood of exceeding a safe weekly consumption level of methylmercury. The U.S. Food and Drug Administration (FDA) and the U.S. Environmental Protection

Agency (EPA) provide joint advice regarding fish consumption to limit methylmercury exposure for children. As noted in their 2021 joint advice, depending on body weight, some women and some children should choose fish lowest in methylmercury or eat less fish than the amounts in the 2020-2025 Dietary Guidelines for Americans (DGA) Healthy US-Style Dietary Pattern. More information is available on the FDA and EPA websites at [FDA.gov/fishadviceandEPA.gov/fishadvice](https://FDA.gov/fishadviceandEPA.gov/fishadvice).

<sup>22</sup> As noted in the 2021 FDA-EPA joint advice about eating fish, for some children, depending on age and caloric needs, the amounts of fish in the 2020-2025 DGA are higher than in the FDA-EPA advice. The DGA states that to consume these higher amounts, these children should consume only fish from the “Best Choices” list that are even lower in mercury—among the WIC-eligible varieties, this includes Atlantic mackerel, salmon, and sardines.

<sup>23</sup> State agencies are required to offer both mature dry (1 pound) and canned (64 ounces) legumes. Food Packages V and VII must provide both legumes and peanut butter. However, when individually tailoring these food packages, State agencies may issue the following combinations: 1 pound dry and 64 oz. canned legumes (and no peanut butter); 2 pounds dry or 128 oz. canned legumes (and no peanut butter); or 36 oz. peanut butter (and no legumes). State agencies also have the option to authorize other nut and seed butters as a substitute for peanut butter (on a 1:1 ounce substitution ratio), as described in table 4 to paragraph (e)(12) of this section and its footnotes, when individually tailoring food packages.