

SECTION: Food Delivery**SUBJECT: WIC Formula Return Policy**

Food and Nutrition Service (FNS) Food Package Policy and Guidance of March 2018

Background

Food and Nutrition Service (FNS) does not recommend reissuing or donating unused/returned WIC formula, including donating formula to an animal shelter or a farm. This approach ensures safety, meets the Federal regulatory requirement at 7 CFR 246.4 (a)(14)(xviii) that participants only obtain WIC infant formulas from facilities that are registered with FDA, and satisfies the Public Health Security and Bioterrorism preparedness and Response Act as well as the Food Safety Modernization Act.

POLICY

It must not be the practice of the WIC local agency to act in the role of a WIC vendor and issue contract standard formulas above the supplemental amounts listed on the Family Benefits List for eWIC benefits, to WIC participants on a routine basis, for several reasons:

- Jeopardizes WIC's role to promote and support breastfeeding
- Requires more oversight and management to ensure safety of stock formula
- Liability stemming from unsafe formula
- May result in participants being issued excess program benefits

Formula purchased with WIC benefits must not be returned to any retail store, as WIC vendors have agreed to the following as per the WIC Vendor Agreement:

Only make exchanges of an identical approved WIC food item when the original WIC food item is defective, spoiled, or has exceeded its "sell by," "best if used by" or other date limiting the sale or use of the food item. An identical approved WIC food item means the exact brand and size as the original WIC food item purchased and returned by the participant. Never provide cash or credit refunds or permit exchanges for non-WIC foods obtained with WIC benefits.

Formula purchased with WIC benefits must be returned to the local agency. However, local agencies should understand that **reissuance** of formula **returned by participants** is **not permitted**, since the local agency cannot guarantee that it was not tampered with or that it was stored properly. Storage of formulas at improper temperatures, can cause alteration of nutrients, thereby impacting the product's safety which puts the participant's health in jeopardy.

Guidance:

The local agency must not reissue returned formula.

All returned formula must be discarded in such a way to prevent human consumption.

- Open returned container and discard contents fully, followed by the canister

- Concentrate and RTU can be poured down the drain
- Powder can be discarded in any trash receptacle

What if a participant loses the eWIC benefit card?

WIC benefits can be reissued under a new eWIC card at any time. See WIC Policy 400-08: Theft and/or Loss of eWIC cards.

Do not provide the stock formula that you have on hand as a replacement for WIC formula benefits that a participant loses.

Donated Formula:

Local agency shall NOT accept donated formula. In addition, local agencies should never accept returns of opened, damaged or expired cans.

Tips for reducing formula returns and/or formula sales:

Educate participants on how to redeem their formula benefits: When tolerance of formula has not been well established, the authorized person should be instructed to redeem the formula cautiously. Instruct the participant to buy formula in small increments until tolerance is well established.

Tailor WIC Formulas when indicated: Infant formula for partially breastfeeding infants should be tailored after a careful assessment of nutritional needs by CPA.

Any WIC formula in Food Package III for infants, children and women should be tailored based on the assessed needs, and not exceed the nutritional needs of the participant. (Refer to WIC 300-02 Food Package Prescription/Food Package Tailoring Guidelines)

Review the Participants Right and Responsibilities: Local Agency staff should carefully explain that attempting to sell, trade or donate WIC food benefits (including formula) constitutes a participant violation, and that any unused formula must be returned to the WIC Program.