

# New Hampshire WIC Policy & Procedure Manual

## Chapter Number 2. NUTRITION AND BREASTFEEDING SERVICES B. Food Package Design

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### Unused and Returned WIC Formula

**Purpose** To ensure the safety and nutritional quality of formula provided through the WIC Program.

**Policy** Returned formula may not be redistributed back to participants in the clinic. It cannot be assumed that returned formula has maintained its safety for consumption while it was outside of the clinic's control; returned formula must be destroyed unless approval is obtained by the local agency's legal department for donation. A copy of the local agency approval letter shall be sent to the State Agency prior to implementing a formula donation procedure.

**Authority** CFR 246.12(n)  
Food Package Policy and Guidance Chapter 6, paragraph G, Unused and Returned WIC Formula (03/2018)  
Bill Emerson Good Samaritan Food Donation Act  
NH RSA 508:15 Donors and Distributors of Food.

**Procedure** Certain situations are potentially associated with returned formula—changes in formula due to medical need, tolerance issues, or a change in the amount of breastfeeding. The local agency nutritionist/competent nutrition authority (CPA) shall tailor the food package to meet the participant's nutritional need and minimize the need to return formula to WIC

With the local agency's legal approval and legal guidance, formulas on the "Allowed Formulas for Donation" list and determined to be in good condition as outlined in this policy, may be donated to a food pantry/food bank under the auspices of the Bill Emerson Good Samaritan Food Donation Act and NH RSA 508:15 Donors and Distributors of Food.

Upon receiving returned formula the Nutritionist/CPA shall:

1. Determine if the returned formula is on the "Allowed Formulas for Donation" list.

"Allowed Formulas for Donation" with local agency legal approval:

- Similac Advance
- Similac Soy Isomil
- Similac Total Comfort
- Similac Sensitive

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- Similac For Spit-Up
- Similac Alimentum
- Nutramigen
- PediSure
- Boost
- Ensure

All other medical/special formulas not identified on the "Allowed Formulas for Donation" list, regardless of condition, shall be destroyed according to procedures outlined in this policy due to product safety concerns.

2. Assess the returned formula to determine if the formula is suitable for donation or if it needs to be destroyed.

A. To determine if the formula is suitable for donation, the nutritionist/CPA shall ask and/or assess the following:

- Reason for the returned formula
- Condition of the cans
  - ✓ A can should be unopened and not damaged in any way, with the original label intact.
  - ✓ A can is considered damaged if there is any sign of bulging or leaking, or if the can is dented, punctured, cracked, or if the label is missing.
- Where and how the formula was stored prior to return
  - ✓ Unopened powder and liquid formulas should be stored at "normal" room temperature (i.e. 60-80 degrees F). Shelf life is based on the best estimate of the time during which certain changes may occur at normal temperatures. The shelf life is selected to assure that the ingredients will satisfy the label claim at expiration date. Excessive heat or freezing would require a formula to be destroyed.
- Expiration date
  - ✓ The format used for the expiration date is: day of month/month/year. The day of the month is *always the first day of the month*. Depending on the manufacturer, the number "1" may or may not be included (e.g. FEB2018, 1MAR2018 or 08/2018).
  - ✓ A formula ~~product~~ may be used prior to ~~until~~ the expiration date. ~~that date~~.
  - ✓ A formula shall be destroyed upon the expiration date or thereafter.

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- B. Formulas not allowed for donation, not suitable for donation or LA does not have their agency's legal guidance/permission to accept and donate returned formula shall be disposed in the following manner:
- ✓ Document receipt and disposal of the WIC formula on the "Returned/ Donated/Destroyed Formula Tracking Sheet".
  - ✓ Destroy the returned formula within 1 week.
  - ✓ For program integrity, two staff members shall dispose of the physical cans of formula and complete the "Returned/ Donated/Destroyed Formula Tracking Sheet" together.
  - ✓ Empty the contents of the formula container completely prior to throwing the can away. For example, concentrate or ready to feed formula shall be poured into a sink before the formula carton is placed in the trash. Containers of powdered formula can be opened and the contents mixed with other trash.
  - ✓ Dispose in small batches to avoid large quantities of formula in the trash.
  - ✓ Implement local agency policy/procedure if necessary to ensure that no one is removing formula from the trash for consumption.
3. Store in approved temporary location. Local Agencies shall develop a procedure for temporary storage of formula that is suitable for donation and formula that needs to be destroyed that includes the following:
- Secure temporary storage and out of view of WIC clients
  - Prompt donation or disposal as determined—within 1 week; and
  - Formula shall not to accessible to employees who do not require access for program integrity.
4. Document the formula as returned, donated or destroyed on the "Returned/Donated/Destroyed Formula Tracking Sheet".
5. Document in StarLINC and reissue the appropriate new formula to the participant's food package/benefits on the Modify Benefits Issuance screen.

#### **Exception**

Exceptions to this policy shall be submitted to the State Agency for approval.