

Infant Formula Returns

Policy

WIC Food Package Policy and Guidance: There may be a number of reasons why participants have unused WIC formula. FNS does not recommend reissuing unused/returned WIC formulas. 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.

WIC Policy Memo: State Agency (SA) policies and procedures should take measures to prevent and avoid fraud by including provisions such as, but not limited to:

- Documenting assessed nutritional needs for the amount of formula issued and rationale for food package tailoring, as appropriate.
- Educating participants on how to redeem and utilize WIC food instruments to prevent having unused formula, how to handle unused formula (i.e., proper disposal), and that attempting to sell, trade, or gift WIC food benefits qualifies as a participant violation.
- Ensuring accurate issuance and rebate billing that does not exceed the maximum monthly allowances.

If a SA chooses to accept unused WIC formula from participants and dispose of it, then the SA would need to develop policies and procedures for the local agencies.

Authority

WIC Food Package Policy and Guidance. Food Nutrition Services. March ed.; 2018:25-26
excerpt
WIC Policy Memo #2020-1 Donation of Unused, Returned Infant Formula

Procedures

Infant formula purchased with WIC funds must be returned to WIC when an infant develops an apparent intolerance to the formula being used, is no longer using it for any reason as reported by their parent/guardian, or when a prescribing authority prescribes a different formula. Infant formulas cannot be returned to or exchanged at vendors.

To reduce the amount of returned formula coming back to your office, staff will encourage participants meeting the descriptions listed below not to purchase all of their formula at one time until they are sure a formula change will not be needed. (However, realize that this may not always be an option.)

- New formula fed babies
- Babies changing to a new formula
- Babies stopping or decreasing breastfeeding and starting to use formula or increasing

their formula intake.

Local agencies must establish their own policy on infant formula returns. The local agency policy and the donation/disposal logs addressed in it must be available for review during the local agency office visit. The policy must address procedures for:

- WIC staff providing education to the participants listed above and efforts made to try and minimize the amount of formula that is returned to the agency.
- Requiring participants to bring purchased, unopened formula to an agency WIC office, outreach office, or clinic site before replacement benefits can be reissued to the participant eWIC account.
- Inspecting the formula when it's returned. At a minimum, the policy should address the following points when completing inspection of the product:
 - Expiration date has not passed;
 - Assurance that the container has not been opened and/or tampered with;
 - Staff will ask client how the container was stored;
 - Clean, undented container;
 - Product label intact and not missing.
- How returned formula will be stored. It must be kept secure and out of sight.
- Disposal or donation plan. At a minimum, the policy should address the following points:
 - Donation to a local food bank, pantry, or other community partner that provides resources to families.
 - Donation of returned formula every 30 days at minimum.
 - Maintenance of a donation log to indicate the date, type, number of cans donated, and donation location.
 - Disposal procedures if the returned formula does not meet minimum inspection criteria.
 - Maintenance of a disposal log to indicate the date, type, and number of cans destroyed.

Formula cans from previous months benefits can be accepted, but those cans cannot be replaced. Local WIC agencies may only replace returned unopened cans of formula and unspent food instruments for formula for the current month.

If the participant has unspent formula benefits the following steps will be followed to reissue benefits:

- Create the new food package and verify it.
- Click on the Food Benefits branch of the navigation tree and verify the correct months are checked for reissuance.
- Issue benefits and ask the parent/guardian/participant to sign the signature pad.
- Carefully review the food benefits print out to verify the correct items were reissued. (Note: Purchases are accounted for in the reissued balances.)

If the participant returns unopened cans of formula (participant has purchased some or all of the issued formula that month), the following steps will be followed to reissue benefits:

- Inspect the unused returned formula per local agency policy. Only unused formula purchased with current months' benefits that meets the inspection guidelines may be

replaced.

- Click on the Returned Formula panel of the Foods tree view.
- Click on “Get Balance.” A row in the grid displays the name of the formula available for return.
- Enter the number of cans of formula returned.
- Create a new food package and verify it.
- Issue benefits and ask the parent/guardian/participant to sign the signature pad.
- Carefully review the food benefits print out to verify the correct items were reissued.
(Note: The data system will automatically calculate the appropriate quantity of formula to be issued and adjust benefits on the eWIC account.)

Best Practices

State agencies are strongly encouraged to consult with their health department and, as needed, with legal counsel for issues related to State-procured rebate contracts, local and state health laws, and clinic documentation recommendations, when developing such policies and procedures.

Best practices for disposal procedures include but are not limited to:

- Dispose of contents in a separate trash container from the can.
- Dispose of formula in small batches to avoid large quantities of formula in the trash.
- Implement practices to ensure the public is not removing formula from the trash.

If you are concerned about a formula ordered by the State Agency via the special formula warehouse process that has not been picked up from the WIC clinic by the participant and think it may expire before another participant in your agency needs it, contact the state WIC office.