



WIC Flash

News from the Arkansas WIC Program
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June 29, 2023

Contract Formula Substitutions

Due to the ongoing formula supply issues, there is a one-month extension for participants to redeem their WIC formula benefits to purchase alternate can sizes of the current contract formula. The larger can sizes of Gerber Gentle, SoothePro, and Soy (see page 3) are approved for temporary substitution through **7/31/23**.

2% Milk

Participants will be able to redeem their WIC Dairy benefits for 2% milk in place of 1% or Skim through July 31, 2023. As of August 1, 2023, 2% milk will no longer be available for some participants to redeem depending on their food package prescription.

Maximums for Civil Monetary Penalty – New WIC – Related Final Rule

This WIC Flash is an update on the Departmental Final Rule, Civil Monetary Penalty Inflation Adjustment for 2023. The Federal Register published an announcement of the new Final Rule for Maximum Civil Money Penalty (CMP) Amounts. This supersedes previous Civil Monetary Penalties.

This transmits the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Civil Monetary Penalty (CMP) Inflation Adjustments for 2023. The adjustment was published in the Federal Register as part of the [Civil Monetary Penalty Inflation Adjustments for 2023 Final Rule](#) published on May 10, 2023, at 88 FR 30029.

As required by the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015, this rule updates the maximum size of CMPs for certain violations in WIC to reflect inflationary adjustments for 2023. For each violation subject to a mandatory sanction, the CMP shall not exceed the maximum amount specified in [7 CFR 3.91\(b\)\(3\)](#). Further information on calculating

CMPs and using these maximums can be found in federal WIC regulations at [7 CFR 246.12\(l\)\(1\)\(x\)](#)

Citation	Violation	2022 Max per Violation	2023 Max per Violation
§3.91(b)(3)(iv)	Civil penalty for any entity that submits a bid to supply infant formula to carry out the Special Supplemental Nutrition Program for Women, Infants and Children and discloses the amount of the bid, rebate, or discount practices in advance of the bid opening or for any entity that makes a statement prior to the opening of bids for the purpose of influencing a bid, codified at 42 U.S.C.1786(h)(8)(H)(i)	\$195,054,878	\$210,161,878
§3.91(b)(3)(v)	Civil penalty for a vendor convicted of trafficking in food instruments, codified at 42 U.S.C. 1786(o)(1)(A) and 42U.S.C. 1786(o)(4)(B)	\$16,865 for each violation, maximum penalty for violations occurring during a single investigation is \$67,461.	\$18,171 for each violation, except that the maximum penalty for violations occurring during a single investigation is \$72,686.
§3.91(b)(3)(vi)	Civil penalty for a vendor convicted of selling firearms, ammunition, explosive, or controlled substances in exchange for food instruments, codified at 42 U.S.C.1786(o)(1)(B) and 42 U.S.C.1786(o)(4)(B)	\$16,451 for each violation, maximum penalty for violations occurring during a single investigation is \$67,461.	\$17,725 for each violation, except that the maximum penalty for violations occurring during a single investigation is \$72,686.

Gerber Good Start Formula Temporary Substitution Options



1 can Good Start Gentle 27 oz



**2 cans Good Start Gentle 12.7 oz
(2 cans will be deducted from WIC card)**



1 can Good Start SoothePro 19.4oz



**1 can Good Start SoothePro 12.4oz
(1 can will be deducted from WIC card)**



1 can Good Start GentlePro 20 oz



**1 can Good Start Gentle 12.7 oz
(1 can will be deducted from WIC card)**



1 can Good Start SoothePro 30.6 oz



**2 cans Good Start SoothePro 12.4oz
(2 cans will be deducted from WIC card)**



1 can Good Start GentlePro 32 oz



**2 cans Good Start Gentle 12.7 oz
(2 cans will be deducted from WIC card)**



1 can Good Start Gentle Soy 20 oz



**1 can Good Start Gentle Soy 12.9 oz
(1 can will be deducted from WIC card)**

For questions or concerns, please contact Gayla Lanum at 501-280-4675 or email gayla.lanum@arkansas.gov. Contact De'Shunda Davis for assistance with WIC approved food items, tagging, and training at 501-661-2689 or email deshunda.davis@arkansas.gov. Thank you for being an authorized AR WIC vendor and helping to provide Approved WIC Items to current and potential AR WIC participants.

This institution is an equal opportunity provider.