

Nutrition/Health Volume
Food Package Section

2.3.080 Return, Donation, and Disposal of Formula and WIC-Eligible Nutritionals

Authority 2019 7 CFR 246.12(u); USDA WIC Food Package Policy and Guidance, March 2018, Chapter 6; WIC Policy Memorandum #2020-1: Donation of Unused, Returned Infant Formula

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POLICY: The local agency (LA) shall accept the return of all unused standard formula, exempt formula, and WIC-eligible nutritionals issued by the Missouri WIC program. The LA shall not accept any formula not found on the Food and Formula Reference Guide (FFRG) Formula Listing. The state agency (SA) recommends LAs donate returned formula and WIC-eligible nutritionals in good condition to a facility that accepts donated items, such as food banks, doctor's offices, hospitals, or local health agencies. LAs must maintain a system of inventory control and store formula according to manufacturer guidelines until it can be donated. The [Bill Emerson Good Samaritan Food Donation Act](#) protects "donors" from liability when donating food in apparently good condition and donated "in good faith." The LA may opt to dispose of formula in lieu of donating.

PROCEDURES:

- A. Returned formula shall not be re-issued. The LA shall handle returns as follows:
1. Returned formula may either be donated or disposed of at the discretion of the LA.
 2. LA staff must educate participants on the following:
 - a. Caregivers should be encouraged to purchase only one (1) can of formula initially to determine tolerance and acceptance of the product.
 - b. Selling, trading, gifting, or attempting to sell, trade, or gift WIC food benefits is a participant violation. Refer to policy [10.1.020](#).
 3. The LA shall store all formula out of participant sight and in accordance with the manufacturer's recommendations.
 4. Returned formula shall be separate from direct distribution formula in the storage area.
 5. Direct distribution formula that has never left the LA's possession shall not be donated. Refer to policy [2.3.130](#) for direct shipment procedures.
- B. Donation of formula shall be handled as follows:
1. This policy shall require LAs to examine the unused, returned formula can's condition and expiration date.
 - a. Returned primary contract formula can be donated to food banks,

hospitals, doctor's offices, and other institutions accepting formula.

- b. Returned exempt infant formula and WIC-eligible nutritionals should only be donated to organizations with physician supervision present.
 - c. If the items are opened, expired, or not fit for human consumption, they may be donated to an animal shelter or veterinary office, if accepted.
2. The LA shall obtain a receipt for all transactions with organizations accepting donated formula. If an organization does not provide a receipt, LAs may use the following form for documentation: [Receipt of Donated WIC Formula and WIC-Eligible Nutritionals \(WIC-15\)](#).
- C. Disposal of formula shall be handled as follows:
1. Formula that cannot be donated for any reason must be disposed of in the following manner:
 - a. Completely empty the contents of the formula container prior to throwing it away. For example, pour concentrate or ready-to-feed formula into a sink before the formula carton is placed in the trash.
 - b. Open containers of powder formula and mix the contents with other trash.
 - c. Dispose of formula in small batches to avoid large amounts in the trash.
 - d. Implement practices that ensure that no one is removing formula from the trash for consumption.
- D. Documentation of formula return, donation, and disposal shall be completed as follows:
1. The acceptance and donation or disposal of returned formula must be documented on the [WIC Formula Acceptance and Action Log](#) and shall include:
 - a. Participant State WIC ID number
 - b. Formula name
 - c. Formula quantity
 - d. Date received
 - e. Initials of staff receiving formula
 - f. Action taken (donation or disposal)
 - g. Quantity (donated or disposed)
 - h. Date of action
 - i. Name of organization accepting donated formula
 - j. Staff initials. Note: Two (2) staff members must initial to verify the action (donated/disposed) taken to maximize program integrity.
 2. Document in the participant's file in the Missouri WIC Information Network System (MOWINS) the name of the formula, quantity, and reason for the return in general notes.

- E. The LA shall educate participants not to purchase dented cans and to avoid selecting formula items that are expired or close to expiring. Participants may exchange WIC food and formula that is defective, spoiled, or expired for an identical item at the retailer where purchased.
- F. Replacement of formula due to intolerance or health care provider recommendation may be provided to the participant as follows:
 - 1. The Competent Professional Authority (CPA) or nutritionist shall determine the amount of remaining formula benefits to issue.
 - a. Replacement formula shall not exceed the maximum monthly allowances for a participant's feeding category.
 - b. Formula from an expired benefit period shall not be replaced.
 - 2. Issue the remaining formula benefits using the Food Adjustment Wizard in MOWINS. The amount of replacement formula shall be prorated. Refer to policy [2.3.070](#) for proration amounts.