

	A	B	C	D
1	CLASSIFICATION OF PRODUCTS AS CANDY OR FOOD OR FOOD INGREDIENTS			
2				Appendix 1
3				
4	Item	Candy (Yes or No)	Explanation	Reference
5	Almond bark	Y		
6	Barbecue potato chips	N	Not commonly thought of as candy	Rule 327.6.1.A.
7	Barbeque sunflower seeds	Y	Contains sweetener and seeds	Rule 327.6.1.A.4.
8	Beer Nuts Party Mix®	Y	Contains sweetener and nuts	Rule 32.6.1.A.2.
9	Breakfast Cereals	N	Not commonly thought of as candy	Rule 327.6.1.A., Interpretative Opinion 2009-6
10	Breath mints	Y	Meets the definition of "food and food ingredients" (commonly consumed for taste or nutrition); meets the definition of "candy"	Food Definition Issues Discussion Paper 1/10/2005
11	Breath sprays and strips	N	Does not meet the definition of "food and food ingredient" (not commonly ingested or chewed for taste or nutrition)	Food Definition Issues Discussion Paper 1/10/2005
12	Butterscotch chips	Y		Interpretative Opinion 2009-04
13	Candy w/liquor	Y	Meets the definition of "food and food ingredients" (commonly ingested for taste or nutrition); does not meet the definition of "alcoholic beverage" (not a beverage); otherwise meets the definition of "candy"	
14	Canned fruit and vegetables	N	Not commonly thought of as candy	Rule 327.6.1.A.
15	Caramel apples	Y		
16	Cereal bars	Y	Examples include Caramel Corn Rice Cakes®, Carmel Nut Granola Bars®, Kashi Go Lean® Roll Bars, Rice Krispie® Treat bars, and South Beach Living High Peanut Butter Cereal Bar®. Meets the definition of candy ("flour" not listed on the label)	Interpretative Opinion 2009-06
17	Chocolate chips	Y		Interpretative Opinion 2009-04
18	Chocolate covered potato chips	Y	Commonly thought of as candy and contains a sweetener and chocolate	
19	Cotton Candy	N	Not sold in form of bars, drops, or pieces (Cotton candy prepared by the seller is prepared food.)	Rule 327.6.1.A.2.
20	Cough drops	N	Defined as a "drug" or "over-the counter drug"; does not meet the definition of "food and food ingredient"	Food Definition Issues Discussion Paper 1/10/2005
21	Cracker Jacks®	Y		Rule 327.6.1.A.2.c.
22	Dried fruit w/out sweetener	N	No sweetener	Rule 327.6.1.A.5.
23	Dried fruit w/sweetener	Y		
24	Edible cake decorations	Y		
25	Flaked coconut w/out sweetener	N	No sweetener	Rule 327.6.1.A.5.
26	Flaked coconut w/sweetener	Y		
27	Fritos Honey BBQ Flavor Twists	N	Not commonly thought of as candy	Rule 327.6.1.A.4.
28	Frosting in containers	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
29	Fruit roll-ups	Y	Meets the definition of candy ("flour" not listed on label)	

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30	Gluten-free products	Y	Items commonly thought of as candy that also meet the objective test in definition of "candy" (1) Sweetened, (2) chocolate, fruit or nuts, (3) sold in bars drops or pieces, (4) does not contain "flour" and (5) does not require refrigeration.	Rule 327.6.1.A.3.
31	Gluten-Free Products - contains sweetener - other types of "flour" made from grain listed on ingredient label	N	Items commonly thought of as candy however the product labels contain a grain based flour listing.	Rule 327.6.1.A.3.
32	Gluten-Free Products - contains sweetener - other types of "flour" not made from a grain listed on ingredient label	Y	Items commonly thought of as candy that also meet the objective test in the definition of "candy" (1) Sweetened, (2) chocolate, fruit or nuts, (3) sold in bars drops or pieces, (4) does not contain a "grain-based" flour, and (5) does not require refrigeration.	Rule 327.6.1.A.3.
33	Gum	Y		
34	Heath bar ® bits	Y		Interpretative Opinion 2009-04
35	Honey roasted nuts	Y	Contains sweetener and nuts	
36	Icing in tubes	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
37	Jell-O® pudding	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
38	Kit Kat ® bars	N	Contains flour	Rule 327.6.1.A.3.
39	Licorice w/flour	N	Contains flour	Rule 327.6.1.A.3.
40	Licorice w/out flour	Y		
41	Lightly Salted Rice Cakes	N	No sweetener	Rule 327.6.1.A.5.
42	Marshmallows	Y		
43	Meat products	N	Items not commonly thought of as candy. All meat products are not commonly thought of as candy. Meat products include for example honey glazed ham, Jack Links Teriyaki Beef Nuggets®, and Slim Jim®.	Rule 327.6.1.A.
44	Mixed bag of individually wrapped bars - no separate ingredient listing for each bar - contains sweetener - "flour" listed in the ingredient label		Bundling rules apply	Rule 327.6.1.B.
45	Mixed bag of individually wrapped bars - separate ingredient listing for each type of bar - contains sweetener - "flour" listed in the ingredient label for some of the bars		Bundling rules apply	Rule 327.6.1.B.

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46	Mixed package of unwrapped pieces - no separate ingredient listing for each piece - contains sweetener - "flour" not listed in the ingredient label	Y		Rule 327.6.1.B.
47	Mixed package of unwrapped pieces - no separate ingredient listing for each piece - contains sweetener - "flour" listed in the ingredient label	N	Contains flour	Rule 327.6.1.A.3.
48	Nestle Crunch®	N	Contains flour	Rule 327.6.1.A.3.
49	Pixie sticks®	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
50	Popped caramel and kettle corn	Y		
51	Powdered Tang®	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
52	Quaker Chewy Dipps®	Y		
53	Spray candy	N	Not sold in form of bars, drops, or pieces	Rule 327.6.1.A.2.
54	Sugar cubes	N	No other ingredients or flavorings	Rule 327.6.1.A.
55	Throat lozenges	N	Not commonly ingested or chewed for taste or nutrition	Food Definition Issues Discussion Paper 1/10/2005
56	Trail mix w/candy	N	Not sold in form of bars, drops or pieces	Rule 327.6.1.A.2.
57	Twix bars ®	N	Contains flour	Rule 327.6.1.A.3.
58	Unpopped popcorn, regular, caramel, kettle, etc.	N	Not commonly thought of as candy	Rule 327.6.1.A.
59	Unsweetened popped popcorn	N	No sweetener	Rule 327.6.1.A.5.