

	A	B	C	D
1	<b>CLASSIFICATION OF PRODUCTS AS CANDY OR FOOD OR FOOD INGREDIENTS SL10047</b>			Option 1 - Grain Based Flour
2			11/19/2010	Appendix 1
3				
4	<u>Item</u>	<u>Candy (Yes or No)</u>	<u>Explanation</u>	<u>Reference</u>
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 (grain-based 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.

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29	Fruit roll-ups	Y	Meets the definition of candy (grain-based "flour" not listed on label)	
30	Gluten-free products commonly thought of as candy and which meet the objective tests contained in the definition of candy.	Y	Commonly thought of as candy	Rule 327.6.1.A.
31	Gluten-Free Products commonly thought of as candy - contains other type of "flour" made from a grain listed on the ingredient label	N	Contains grain-based flour	Rule 327.6.1.A.3.
32	Gluten-Free Products commonly thought of as candy - contains other type of "flour" that is not made from a grain listed on the ingredient label	Y	Does not contain grain-based flour	Rule 327.6.1.A.3.
33	Gluten-free products not commonly thought of as candy.	N	Not commonly thought of as candy	Rule 327.6.1.A.
34	Gum	Y		
35	Heath bar ® bits	Y		Interpretative Opinion 2009-04
36	Honey roasted nuts	Y	Contains sweetener and nuts	
37	Icing in tubes	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
38	Jell-O® pudding	N	Not in form of bars, drops, or pieces	Rule 327.6.1.A.2.
39	Kit Kat ® bars	N	Contains grain-based flour	Rule 327.6.1.A.3.
40	Licorice w/flour	N	Contains grain-based flour	Rule 327.6.1.A.3.
41	Licorice w/out flour	Y		
42	Lightly Salted Rice Cakes	N	No sweetener	Rule 327.6.1.A.5.
43	Marshmallows	Y		
44	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.
45	Mixed bag of individually wrapped bars - no separate ingredient listing for each bar - contains sweetener - grain-based "flour" listed on the ingredient label		Bundling rules apply	Rule 327.6.1.B.
46	Mixed bag of individually wrapped bars - separate ingredient listing for each type of bar - contains sweetener - grain-based "flour" listed on the ingredient label for some of the bars		Bundling rules apply	Rule 327.6.1.B.
47	Mixed package of unwrapped pieces - no separate ingredient listing for each piece - contains sweetener - grain-based "flour" not listed in the ingredient label	Y		Rule 327.6.1.B.

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