

**CLASSIFICATION OF PRODUCTS AS CANDY OR FOOD OR FOOD INGREDIENTS**

Adopted May 19, 2011 and amended May 20, 2021

**APPENDIX N**

<u>Item</u>	<u>Candy (Yes or No)</u>	<u>Explanation</u>	<u>Reference</u>
Almond bark	Y		Rule 327.8. A.2.a.
Barbecue potato chips	N	Not commonly thought of as candy	Rule 327.8.A.
Barbeque sunflower seeds	N	Not commonly thought of as candy	Rule 327.8. A.2. and 4.
Beer Nuts Party Mix®	Y	Contains sweetener and nuts	Rule 327.8.A.2. and 4.
Breakfast Cereals	N	Not sold in the form of bars, drops or pieces.	Rule 327.8.A.2.c., Interpretative Opinion 2009-6
Breath mints	Y	Meets the definition of "food and food ingredients" (commonly consumed for taste or nutrition) and also contains sweetener, flavoring and is in pieces	Food Definition Issues Discussion Paper 1/10/2005
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
Butterscotch chips	Y		Rule 327.8.A.2.b. Interpretative Opinion 2009-04
Candy w/liquor	Y	Does not meet the definition of "alcoholic beverage" (not a beverage)	SSUTA Library of Definitions, Appendix C, Part II
Canned fruit and vegetables	N	Not commonly thought of as candy	Rule 327.8.A.
Caramel apples	Y		Rule 327.8.A.
Cereal bars w/out flour	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®, Quaker Chewy Dipps®	Rule 327.8.A.2.a. and 327.8. A.3. Interpretative Opinion 2009-06
Cereal bars w/flour	N	Examples include Kashi TLC Soft Baked Cereal Bars®, Kellogg's Honey Nut Special K Bars®, Fiber One Oats and Peanut Butter bars®	Rule 327.8.A.2.a. and 327.8.A.3. Interpretative Opinion 2009-06
Chocolate chips	Y		Rule 327.8.A.2.b. Interpretative Opinion 2009-04
Chocolate covered potato chips	Y		Rule 327.8.A.
Cotton Candy	N	Not sold in form of bars, drops, or pieces (Cotton candy prepared by the seller is prepared food.)	Rule 327.8.A.2.
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
Cracker Jacks®	Y	Candy coated peanuts and popcorn are both candy.	Rule 327.8.A.2.c.
Dried fruit w/out sweetener	N	No sweetener	Rule 327.8.A.5.

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Dried fruit w/sweetener	Y	Unless the state has adopted the toggle under the definition of "candy" to exclude a preparation that has as its <b>predominant ingredient</b> dried or partially dried fruit along with one or more sweeteners, and which may also contain other additives including but not limited to oils, natural flavorings, fiber and preservatives. The exclusion does not apply to a preparation that includes chocolate, nuts, yogurt, or a preparation that has a confectionary coating or glazing on the dried or partially dried fruit. Dried or partially dried fruit does not include fruit that has been ground, crushed, <b>grated, flaked, pureed, or jellied.</b>	Rule 327.8.A.
Edible cake decorations	Y	Examples include letters, candle holders, and designs that are candy	Rule 327.8.A.
Flaked coconut w/out sweetener	N	Sold in form of pieces - No sweetener	Rule 327.8.A.2. and 5.
Flaked coconut w/sweetener	Y	Sold in form of pieces - sweetener	Rule 327.8.A.2. and 5.
Fritos Honey BBQ Flavor Twists	N	Not commonly thought of as candy	Rule 327.8.A.
Frosting in containers	N	Not in form of bars, drops, or pieces	Rule 327.8.A.2.
Fruit roll-ups	Y		Rule 327.8.A.
Gluten-free candy products	Y		Rule 327.8.A.
Gluten-free non-candy products	N	Not commonly thought of as candy	Rule 327.8.A.
Gum	Y		Rule 327.8.A.2. and Food Definition Issues Discussion Paper 1/10/2005
Heath bar ® bits	Y		Rule 327.8.A.2.b. Interpretative Opinion 2009-04
Honey roasted nuts	Y	Contains sweetener and nuts	Rule 327.8.A.2. and 4.
Icing in tubes	N	Not in form of bars, drops, or pieces	Rule 327.8.A.2.
Jell-O® pudding	N	Not in form of bars, drops, or pieces	Rule 327.8.A.2.
Kit Kat ® bars	N	Contains flour	Rule 327.8.A.3.
Licorice w/flour	N	Contains flour	Rule 327.8.A.3.
Licorice w/out flour	Y		Rule 327.8.A.
Lightly Salted Rice Cakes	N	No sweetener	Rule 327.8.A.5.
Marshmallows	Y		Rule 327.8.A.2.c.
Meat products	N	Some meat products include sweeteners. For example honey glazed ham, Jack Links Teriyaki Beef Nuggets®, and Slim Jim®. Meat products are not candy.	Rule 327.8.A.
Mixed bag of individually wrapped bars - no separate ingredient listing for each bar - contains sweetener - "flour" listed on the ingredient label	See Rule	Bundling rules apply	Rule 327.8.B.1.b.

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Mixed bag of individually wrapped bars - separate ingredient listing for each type of bar - contains sweetener - "flour" listed on the ingredient label for some of the bars	See Rule	Bundling rules apply	Rule 327.8.B.1.a.
Mixed package of unwrapped pieces - no separate ingredient listing for each piece - contains sweetener - "flour" not listed in the ingredient label	Y		Rule 327.8.A.2.c.
Mixed package of unwrapped pieces - no separate ingredient listing for each piece - contains sweetener - "flour" listed in the ingredient label	N	Contains flour	Rule 327.8.A.3.
Nestle Crunch®	N	Contains flour	Rule 327.8.A.3.
Pixie sticks®	N	Not in form of bars, drops, or pieces	Rule 327.8.A.2.
Popped caramel and kettle corn	Y	Candy coated popcorn is candy.	Rule 327.8.A.2.c.
Powdered Tang®	N	Not commonly thought of as candy	Rule 327.8.A.
Spray candy	N	Not in form of bars, drops, or pieces	Rule 327.8.A.2.
Sugar cubes	N	Not commonly thought of as candy	Rule 327.8.A.1.
Throat lozenges	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
Trail mix w/candy	N	Not sold in form of bars, drops or pieces	Rule 327.8.A.2.c. and Rule 327.8.B.2.
Twix bars®	N	Contains flour	Rule 327.8.A.3.
Unpopped popcorn, regular, caramel, kettle, etc.	N	Not commonly thought of as candy	Rule 327.8.A.