

Gov. Evers: Signs order prohibiting infant formula price gouging amid nationwide shortage

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MADISON — Gov. Tony Evers today signed [Emergency Order #164](#) prohibiting infant formula price gouging. The result of national supply chain issues and a [recall](#) of powdered formulas, the infant formula shortage has made it difficult for companies to make and distribute baby formula to keep up with demand, substantially disrupting normal business transactions, causing prices to increase, and some retailers to ration supplies.

“No kid should ever go hungry, and no parent should have to worry about having access to formula, especially if their infant has special nutritional needs,” said Gov. Evers. “As families continue to feel the squeeze of rising costs and folks face difficulty getting supplies and resources quickly, this order makes it clear that retailers looking to take advantage of vulnerable families during this formula shortage will not be tolerated.”

The order declares that a [period of abnormal economic disruption](#) exists and prohibits price gouging of infant formula for the next 90 days. Consumers are encouraged to contact the Wisconsin Department of Agriculture, Trade and Consumer Protection’s (DATCP) Bureau of Consumer Protection to file a complaint by visiting [datcp.wi.gov](#) or by calling the Consumer Protection Hotline at (800) 422-7128.

On May 18, 2022, President Joe Biden invoked the Defense Production Act to direct needed resources to infant formula manufacturers while also directing federal agencies to utilize commercial aircraft to pick up infant formula overseas to stock shelves faster. Despite these actions, it will still take time to re-stock shelves and normalize business transactions. In the meantime, DATCP encourages parents to check the company and product by searching for scams and complaints online

before ordering formula from an unfamiliar provider and to avoid offers that seem too good to be true or promise inexpensive, large supplies of an otherwise difficult product to find.

The Wisconsin Department of Health Services (DHS) recommends families dealing with the shortage:

- Do not water down or dilute formula to stretch it out. This prevents babies from getting nutrients that they need.
- Do not make homemade formulas. This is unsafe and will not meet a baby's nutritional needs.
- Avoid giving babies cow's milk, goat's milk, or plant-based milk until they are at least one year old, as these milks lack minerals and proteins and can give babies digestive issues. In rare emergency situations, whole cow's milk [can be given](#) to infants over 6 months-old, but parents and caregivers should consult with their child's healthcare provider first.
- Check smaller stores and drug stores. They may have more stock than big stores.
- Search store websites before going in-person, and make sure to shop at reputable retailers or pharmacies.
- Check food pantries, charitable organizations, and others that may be able to help. [WIC \(Women, Infants, and Children's program\) clinics](#) can help connect people to local food pantries.
- Buy only the formula needed in the immediate future and avoid stockpiling. This helps ensure other families have access to critical formula for their infants and allow manufacturers and retailers adequate time to restock shelves.
- Work with healthcare providers to use [Abbott's Urgent Product Requests](#) process to find specialty formulas.
- Families with questions or concerns should contact their pediatrician or their [WIC Clinic](#).

More information is available on the DHS website [here](#).

Additionally, Wisconsin WIC has continued to offer as many [formula substitutions](#) as possible during this challenging time and has worked with formula company representatives to get updates on supply, help locate formula in stores, and send samples of formula when available. Further, Wisconsin WIC and Medicaid have created a system for WIC participants to obtain Elecare and Elecare Jr., Nutramigen with Enflora LGG, and PediaSure 1.5

Cal. substitutions during the formula shortage with a streamlined prior authorization (PA) approval. This has provided another avenue for participants to receive formula. For more information about the recall and other suggested actions, visit the [Wisconsin WIC](#) webpage.