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Legal Alerts

New Food Laws and Initiatives Set to Shake up the Food Industry

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Across the United States, policymakers are embracing the "Make America Healthy Again" agenda by targeting synthetic additives, artificial dyes and ultra-processed foods. These state and federal actions mark a broader shift toward greater ingredient transparency and healthier formulations, and food companies that adapt early could turn regulatory challenges into competitive advantages.

Texas and Louisiana to Require Warnings and Disclosures of Certain Food Additives

Texas's SB 25 requires that packaged foods offered for sale in Texas after January 1, 2027, carry a warning if they contain any of 44 specified additives that states, "WARNING: This product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom." Some of these ingredients include commonly used foods, such as bleached flour, titanium dioxide and synthetic food dyes.

Louisiana's SB 14 mandates a QR code on the packaging of foods offered for sale in Louisiana after January 1, 2028, with a list of additives similar to Texas' list. The code must direct consumers to a manufacturer-controlled webpage with ingredient information and a notice that the product contains the ingredient.

These laws apply to most foods sold in the respective states and will require companies to audit ingredients and update packaging, e-commerce product pages, and websites well ahead of the deadlines.

Federal Action on Food Dyes and Ultra-Processed Foods

At the federal level, the Department of Health and Human Services and the U.S. Food and Drug Administration ("**FDA**") plan to phase out petroleum-based synthetic dyes, such as Red No. 40, Yellow Nos. 5 and 6 and Blue Nos. 1 and 2 by the end of 2026. FDA has also approved several natural color additives (including Galdieria extract blue, butterfly pea flower extract and calcium phosphate) and plans to accelerate reviews of other natural dye petitions.

Separately, FDA and the U.S. Department of Agriculture are soliciting comments (due by September 23, 2025) on how to define "ultra-processed foods." Several states have introduced bills attempting to define this food category, which could bring about a patchwork of inconsistent definitions. The agencies note that a consistent definition could lead to new labeling requirements or front-of-package warnings.

Taken together, these state and federal initiatives point to a rapidly evolving regulatory landscape. Food companies should proactively audit their ingredient lists and e-commerce channels, participate in comment

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periods and prepare for reformulation and labeling changes to ensure compliance and position themselves accordingly in a health-conscious market.

Creating a single label that satisfies the growing number of state and federal warning and other labeling requirements is not simple or cheap. Major label changes can bring substantial costs to individual brands and may take years to implement, especially as brands expand into new markets. This reality underscores the importance of designing one compliant, forward-looking label capable of fitting all mandated warnings, QR codes, ingredient disclosures, nutrition labeling, container deposit refunds and other required information.

Companies should begin reviewing formulations, packaging and digital disclosures now to ensure compliance well ahead of the approaching deadlines. For guidance on next steps, please contact our Food & Beverage team.

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