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Legal Alerts

The Non-UPF Program: Emerging Standards and Retail Implications

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In November 2025, the Non-GMO Project, an organization primarily known for its work around certification of food products as free from genetically modified organisms (GMOs), published Version 1 of the Non-UPF Verified Standard for food products that are not ultra-processed foods (UPFs), in connection with its Non-UPF Program. The Program aims to bridge the gap between limited transparency and complex ingredient lists by empowering consumers to make informed choices and easily identify products that are not UPFs.

UPF Classification Framework

The Program standard establishes defined criteria for whether a food is "non-ultra-processed" based on how its ingredients are sourced, processed and combined. The Program classifies UPFs as industrially manufactured products composed primarily of (i) formulations of refined ingredients combined with substances of little or no nutritive value (e.g., high-fructose corn syrup, hydrogenated oils, modified starches and protein isolates) and (ii) non-nutritive, organoleptic or formulation additives designed to enhance flavor, texture and shelf life (e.g., flavors, flavor enhancers, colors, emulsifiers, emulsifying salts, sweeteners, thickeners and anti-foaming, bulking, carbonating, foaming, gelling and glazing agents). The Program has published additional resources regarding the Non-UPF Verified Standard that include a classification of food processing methods (Annex A) and a harmonized list of prohibited ingredients (Annex B).

Ingredient and Processing Scrutiny

During the review process, products are subject to a function-based review of ingredients and processing procedures, which evaluates whether the ingredients serve basic nutritive purposes and whether the applicable processing requirements preserve the food's natural structure, integrity and fundamental characteristics. In addition to the prohibited ingredients identified under Annex B, Table 6-1 establishes maximum added sugar limits (by weight) categorized by product type (e.g., confectionery, desserts and beverages). Food processing methods are distinguished by methods applied to ingredients and methods applied to finished products and are classified as either prohibited, conditional or permissible (as set forth in Annex A).

Market Differentiation and Retailer Impact

The Program is positioned as a market-differentiating signal for brands seeking to address growing concerns regarding UPFs and to create a point of separation from competitors that may influence both

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consumers and retailers. The Program standards on prohibited ingredients were informed in part by publicly available retailer standards, including specific ingredient restrictions applied by Whole Foods Market and PCC Community Markets. As a result, brands qualifying for and adopting verification under the Program may be positioned to participate in retailer-driven transparency initiatives, including advertising specials, in-store display features and other promotions.

The Program represents an effort to create a standardized framework for distinguishing UPFs based on ingredient function and processing methods, addressing growing consumer and retailer interest in food processing transparency. The extent to which the Program gains traction among retailers, consumers and the broader market will depend on adoption levels, brand participation and how the Program standard is integrated into existing merchandising and transparency initiatives. The Program offers two application types: Select Whole Foods for single-ingredient whole foods such as raw nuts, seeds and whole grains, and General Food for all other foods. The Program includes non-refundable application fees starting at $50 and annual certification fees starting at $75.

For additional information or support, please contact our Food & Beverage team.

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