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food research

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US nutrition and health update: federal signs and state action

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MAHA

- [MAHA Action | Make America Healthy Again®](#)
- Current focus
 - Making MAHA a top priority in the midterms
 - Rebuilding our food system to eat real food
 - Restoring public trust in government agencies
 - A medical system designed to heal
 - Lowering the toxic load from food, drugs, pesticides, and vaccines



Generally recognised as
safe



Proposed GRAS rule

On 11 August 2026, FDA published a proposed rule requiring notification of GRAS conclusions for certain human and animal food substances.

- [Federal Register : Substances Generally Recognized as Safe](#)
- To replace the current framework under which GRAS notifications are voluntary
- The proposal is intended to increase FDA visibility and transparency regarding substances entering the food supply
- Public comments are open until 9 December 2026

3 components

Notification required

- Person introducing a new substance on the basis it is GRAS must notify FDA
- The notification requirement will be met upon FDA's filing of a submission as a GRAS notice

Categories of exemptions

- No questions letter / Substances affirmed as GRAS
- TOR/FCM
- Food ingredients, natural biological origin that has been widely consumed for its nutrient properties in the US before 1 January 1958
- Established FDA process / Time limited option

Ineligible substances

- Substances exempted from the definition of a food additive under 201(s) of the Federal Food Drug and Cosmetic Act
- E.g. Pesticide residue, pesticide chemical, colour additive, substance, new animal drug, dietary ingredient

Key messages

1. Regulatory – mandatory submissions for future self-GRAS determinations
2. Increased documentation and recordkeeping expectations
3. Innovation – potential additional regulatory workload during ingredient development
4. Greater scrutiny of novel ingredients and supporting safety dossiers
5. Transparency & Reputation: more GRAS information likely to become publicly visible
6. Increased stakeholder scrutiny from regulators, NGOs, and consumers
7. Existing Products – FDA proposes a transition pathway for currently marketed self-GRAS ingredient



What changed FDA's approach?

Drivers

1. MAHA agenda
2. Consumer concern over food chemicals
3. State legislative activity
4. Increased transparency expectations



FDA response

1. Chemical reviews
2. GRAS reform
3. color additive reassessment
4. Increased oversight

Substances under review



Chemical review program

[List of Select Chemicals in the Food Supply Under FDA Review | FDA](#)

[FDA Advances Post-Market Review of Phthalates Used in Food Contact Materials](#) (May)

- 8 phthalates grouped together for combine (cumulative) risk assessment
- Chemically or pharmacologically related (CPR) substances

[FDA Finalizes Food Chemical Safety Post-Market Assessment Program, Launches Reassessment of BHT, ADA](#) (May)

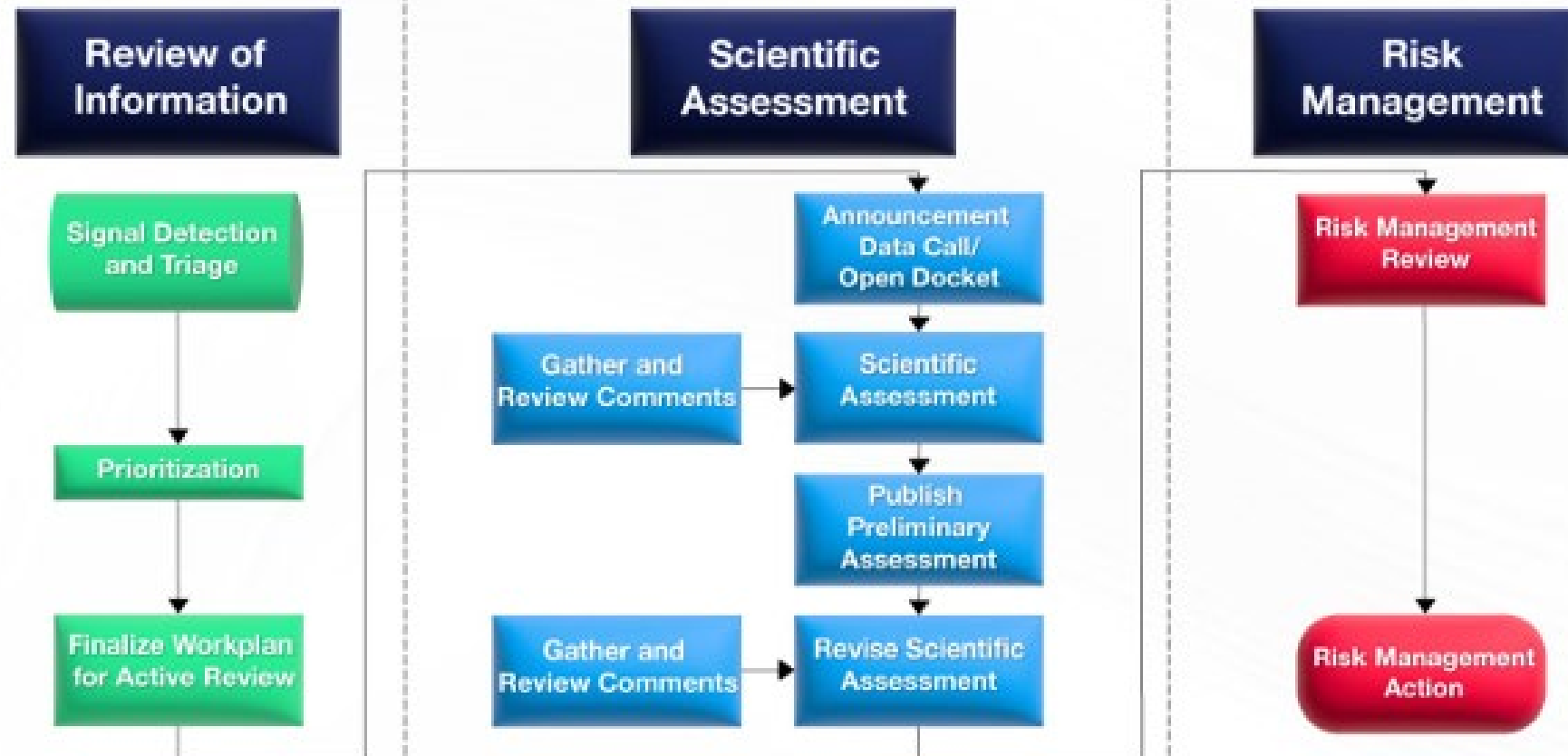
- Butylated hydroxytoluene (BHT) and azodicarbonamide (ADA)

[The Enhanced Systematic Process for FDA's Post-Market Assessment of Chemicals in Food](#)
[Tool for the Prioritization of Food Chemicals for Post-Market Assessment](#)

[FDA Launches Assessment of BHA, a Common Food Chemical Preservative | FDA](#) (Feb)

- Butylated hydroxyanisol

Systemic Post-Market Assessment



Colour additives



Petroleum based food dyes

- April 2025 – national initiative to phase out petroleum-based food dyes (certified color additives) from the American food supply
- Specific actions against certain color additives
- Voluntary reformulation for six remaining certified color additives frequently used in the food supply by 2027
 - FD&C Green No. 3
 - FD&C Red No. 40
 - FD&C Yellow No. 5
 - FD&C Yellow No. 6
 - FD&C Blue No. 1
 - FD&C Blue No. 2

Industry Tracker: Pledges to Remove Petroleum-Based Food Dyes

Company	Product(s) or Brand(s) Affected	Planned Changes	Status
In-N-Out Burger®	Strawberry Shakes and Signature Pink Lemonade	• Eliminated certified color additives from Strawberry Shakes and Signature Pink Lemonade.	Complete
Nestlé USA	All products in the U.S.	• Eliminate FD&C colors in U.S. food and beverage portfolio by mid-2026.	Complete
PepsiCo, Inc.	New Cheetos® and Doritos® products	• New products made with no artificial flavors or dyes, and completely colorless	Complete
PIM Brands, Inc.	Welch's® Fruit Snacks	• Remove artificial dyes in all products by early 2026.	Complete
Sam's Club	Member's Mark food and beverage products	• Eliminated certified synthetic colors/FD&C colors	Complete
Target Corporation	All cereal sold in stores and online	• Remove certified synthetic colors by end of May 2026	Complete
Tyson Foods, Inc.	Tyson®, Jimmy Dean®, HILLSHIRE FARM®	• Eliminate certified color additives from products by the end of May 2025.	Complete

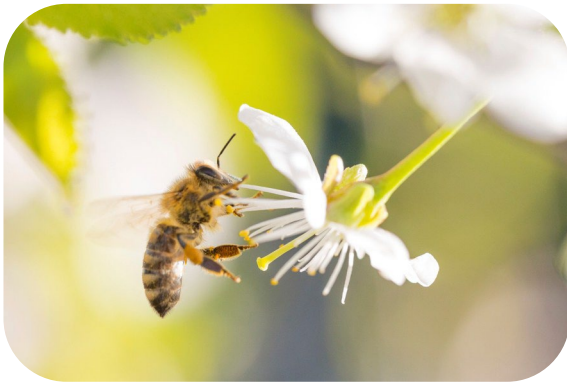
Colour additives - withdrawals

Orange B

Final

21 CFR 74.250

- Repeal the colour additive regulation that allows for the use of Orange B for colouring the casings or surfaces of frankfurters and sausages
- Effective 8 September 2026



Citrus Red No.2

Proposal

21 CFR 74.302

- Repeal the colour additive regulation that allows for the use of Citrus Red No. 2 for colouring the skins of mature oranges
- No certification since 2020
- Use has been abandoned



Colour additives - additions

Beetroot Red

Final

21 CFR 73.39

- Provisions for the use of beetroot red in foods generally
- beetroot red is a powder or liquid prepared by the controlled fermentation of a non-toxicogenic strain of *Cerevisia* to express genes from *Caryophylla* (*C. vulgaris* L. var. *rubra*) involving the synthesis of betanin. The product is further processed by filtration. Betanin is the principal colouring component of the colour additive and imparts a reddish-purple colour

Spirulina extract

Amendment

21 CFR

- Permit use of spirulina more generally, rather than only specific food categories listed
- Lower contaminant specifications (lead, arsenic, mercury, cadmium)

Delayed indefinitely

Proposed August 2026

- [Use of gardenia \(genipin\) blue in various foods at levels consistent with good manufacturing practice](#)
- [Use of safflower \(*Carthamus tinctorius* L.\) extract as a color additive in various foods at levels consistent with good manufacturing practice](#)

State activity



Why states stepped in

- Common state concerns:
 - Slow federal review processes
 - Legacy approvals remaining in place for decades
 - Emerging toxicology science
 - Public pressure on food additives
 - European restrictions not mirrored in U.S. regulation
- Key policy theme:
 - “If FDA won’t act quickly, states will”



State vs FDA timeline comparison

Typical state timeline

- Process step and duration
 - Proposal to enactment Months
 - Implementation 2-5 years

Typical federal timeline

- Process step and duration
 - Scientific review cycle Years
 - Legacy reevaluation Often decades



Texas - SB 25 – Make Texas Healthy Again Act (2025)

Includes food labelling provisions:

- Font size tied to FDA rules
- Prominent and visible with suitable contrast
- Applies to labels that are newly created, revised, or copyrighted from 1 January 2027
- Pre-emption applies when either
 - (1) FDA addresses specific ingredients; or
 - (2) the law or regulation requires a labelling statement relating to ultra-processed or processed foods

[\(SB 25 Update: Texas Adopts Final Food Labeling Rule Before 2027 Deadline\)](#)

“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.”

Louisiana – Act 470 / SB 14 (2025)

- From 1 January 2028
- QR code required if a food contains a specific ingredient
- It must link to a webpage controlled by the manufacturer

“NOTICE: This product contains [insert ingredient here].
For more information about this ingredient, including FDA
approvals, click [HERE](#).”

- The disclaimer must link the FDA’s webpage regarding chemical safety
- The provisions of this Act that fall under the regulatory authority of the federal government shall remain in effect in this state until such time as a federal statute, federal regulation, or guidance from a federal government agency is enacted or issued that is at least equivalent to or is more restrictive than the requirements of this Act

West Virginia - HB 2354 (2025)

Rather than labelling it addresses “adulteration”.

- The law amends West Virginia's food adulteration statutes to change the definition
- Explicit reference to substances of concern

(b) In the case of food, drink, confectionery or condiment:

...

(7) If it contains any added substance or ingredients which are poisonous or injurious to the health, including butylated hydroxyanisole, propylparaben, FD&C Blue No. 1, FD&C Blue No. 2, FD&C Green No. 3, FD&C Red No. 3, FD&C Red No. 40, FD&C Yellow No. 5, and FD&C Yellow No. 6;

- Includes specific enforcement provision exempting small suppliers from this specific requirement
- Statewide ban takes effect 1 Jan 2028

2026 expected developments



Foods program guidance under development



Food chemical safety, dietary supplements, and innovation

Action Levels for Cadmium in Processed Food Intended for Babies and Young Children; Draft Guidance for Industry

Action Levels for Inorganic Arsenic in Food Intended for Babies and Young Children; Draft Guidance for Industry

Action Level for Opiate Alkaloids on Poppy Seeds; Draft Guidance for Industry

Fruit Juice and Vegetable Juice as Color Additives in Food; Draft Guidance for Industry

Hazard Analysis and Risk-Based Preventive Controls for Human Food; Chapter 12: Preventive Controls for Chemical Hazards; Draft Guidance for Industry

New Dietary Ingredient (NDI) Notifications and Related Issues: Identity and Safety Information About the NDI; Guidance for Industry



Microbiological food safety

Preventing Contamination of Low-Moisture Ready-to-Eat Human Foods and Remediating a Pathogen Contamination Event if Prevention Fails; Revised Draft Guidance for Industry

Guide to Minimize Biological Hazards in Ready-to-Eat Fresh-Cut Produce; Guidance for Industry

Hazard Analysis and Risk-Based Preventive Controls for Human Food: Chapter 10: Sanitation Program; Draft Guidance for Industry

The Accredited Third-Party Certification Program: Questions and Answers; Guidance for Industry

Necessity of the Use of Food Product Categories in Food Facility Registrations and Updates to Food Product Categories; Guidance for Industry



• Nutrition

Compliance Policy Guide for Determining the Identity, Quality, and Purity of Olive Oil and Olive-Pomace Oil Products; Draft Guidance for FDA Staff

Food Labeling for Online Grocery Shopping Platforms; Draft Guidance for Industry

Labeling Caffeine Content in Foods and Beverages; Draft Guidance for Industry

Questions and Answers Regarding Use of the “Healthy” Claim

Regulations under development

- [Rulemaking to Provide by Regulation that an Ingredient Is Not Excluded From the Dietary Supplement Definition Proposed Rule](#)
- [Revocations of Standards of Identity for Canned Fruits and Canned Vegetables Proposed Rule](#)
- [Revocations of Standards of Identity for Canned Fruits and Canned Vegetables Proposed Rule](#)
- [Revocations of Standards of Identity for Frozen Vegetables Proposed Rule](#)
- [Nutrient Content Claims for Added Sugars Proposed Rule](#)
- [Substances Generally Recognized as Safe Proposed Rule](#)

Proposed

- [Requirements For Additional Traceability Records For Certain Foods: Compliance Date Extension Final Rule](#)
- [Use of Salt Substitutes to Reduce the Sodium Content in Standardized Foods Final Rule](#)
- [Cheeses and Related Cheese Products; Proposal to Permit the Use of Ultrafiltered Milk and Microfiltered Milk Final Rule](#)
- [Food Standards of Identity Modernization; Pasteurized Orange Juice Final Rule](#)
- [Revocation of Standards of Identity for Dairy Products Final Rule](#)
- [Revocation of Standards of Identity for Foods Final Rule](#)
- [Front-of-Package Nutrition Labeling Final Rule](#)

Final

Front-of-Pack (FOP) nutrition labelling

- Final rule expected 2026

Nutrition Info		
Per serving 5 cookies	%Daily Value	
Saturated Fat	25%	High
Sodium	5%	Low
Added Sugars	10%	Med

FDA.gov



- Serving size
- RDA and qualification

Questions?

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