

FDA and USDA Take Action on Ultra-Processed Foods

Legal Alert
September 18, 2025

The FDA and USDA are moving toward a national definition of “ultra-processed foods” (“UPFs”), an issue that could reshape food labeling and marketing practices across the United States. Comments are due by September 23, 2025.

On July 25, 2025, FDA and USDA jointly issued a [notice and request for information](#) seeking data to develop a uniform definition of “ultra-processed foods.” The agencies note that a consistent definition is needed to support research and policies addressing diet-related diseases.

As noted in the agencies' notice, several states have proposed their own definitions based on different criteria, such as a definition based on a substance's intended effects on food, foods that have undergone certain processing steps or foods with a minimum number of ingredients.

The agencies are seeking input specifically on factors like ingredient lists, processing methods and nutritional attributes that should determine whether a food is considered “ultra-processed.” Though the notice does not specify how the definition will be used, it does warn that it could lead to new labeling requirements or even front-of-package warnings. Earlier this year, [FDA proposed](#) rules for front-of-package food labeling.

From an operational perspective, a federal definition could preempt the growing patchwork of state-level bills and provide clarity for product development. However, if the definition results in a warning or front-of-package labels or SNAP restrictions, companies may need to reformulate recipes, source new ingredients or rethink marketing strategies. Litigation risk is also a concern, as plaintiffs' attorneys may leverage a formal definition to argue that certain products cause health harms or are deceptively marketed.

Contact

Hillary H. Hughes

Related Services

Business & Corporate
Finance

Consumer Brands

Food & Beverage

Looking Ahead

Food companies should strongly consider submitting comments before the September 23 deadline and begin evaluating how a potential definition of “ultra-processed foods” could affect their portfolios.

This issue is part of a broader wave of state and federal food initiatives. Read the full update [here](#).