

March 26, 2025

Texas Legislators Seek to Require Warning Labels on Manufactured Foods¹

On March 12, 2025, the Texas Senate unanimously passed [SB 25](#), which would require food manufacturers to add warning labels to packaged food products offered for sale in Texas starting as early as January 1, 2027. Upon passage by the Texas Senate, Lieutenant Governor Dan Patrick stated that SB 25 is a priority bill that would require food labels to warn Texas consumers which ingredients are banned in other countries. As of March 25, 2025, the bill has been referred to the Texas House Committee on Public Health, and we are tracking its progress.

To Who and What Would SB 25 Apply?

SB 25, as currently drafted, contains several initiatives inspired by the Make American Healthy Again (MAHA) movement, such as:

- Daily physician education for Texas children, along with a prohibition on the removal of recess, physical education, or sports practice for disciplinary reasons
- Nutrition education for Texas students and nutrition training for Texas physicians
- The establishment of an independent nutrition advisory council

If SB 25 passes as written, the law would also require new warning labels to be applied to a wide swath of processed foods sold in Texas. The law would apply to any food manufacturer who sells a food product or ingredient intended for human consumption in the state of Texas. However, “prepared food” or “food ready for immediate consumption,” which are defined to include restaurant-type foods, would be exempt from the proposed warning label requirements.

What Would SB 25 Require?

As currently drafted, SB 25 would require “a warning label disclosing the use of any” of the 50 specific ingredients listed in the bill (list provided below). A manufacturer who sells food using any of those ingredients also would need to include a similar statement or warning on the manufacturer's website. Notably, some of the ingredients on the Texas Legislature's list are already unlawful in the U.S., such as melatonin (which FDA has repeatedly [warned](#) is not generally recognized as safe (GRAS) for use in conventional food), partially hydrogenated oil (aka, trans fat, also [not GRAS](#)), or dimethylamylamine (DMAA) (which FDA has cautioned consumers is an [unsafe food additive](#)).

If a food “contains an artificial color, chemical or food additive,” it would have to be labeled with the following statement:

“WARNING: This product contains an artificial color, chemical or food additive that is banned in Australia, Canada, the European Union or the United Kingdom.”

As the bill is currently written, it does not limit this statement requirement to products that only include artificial colors, chemicals or additives that are in fact banned in other countries.

If SB 25 Passes, When Would Food Manufacturers Be Required To Add a Warning Label?

As currently written, the law would only apply to food product labels developed or copyrighted on or after January 1, 2027.

¹ Prepared by Carleigh Lenz and Suzie Trigg as of March 24, 2025, based on Texas Senate Bill 25, available at: <https://capitol.texas.gov/tlodocs/89R/billtext/pdf/SB00025E.pdf>.

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The bill also requires Health and Human Services Commission to adopt rules to implement this law by December 31, 2025.

How Would the Requirements of SB 25 Be Enforced?

Consumers would not be able to sue manufacturers to enforce this law, as this bill specifically excludes any private right of action. Enforcement lies with the attorney general who could seek to enjoin a food manufacturer who is breaking the law and could request the court order a food manufacturer pay up to \$50,000 per violation and reimburse the state for cost of enforcement.

What Specific Substances Would Necessitate a Warning Label?

The current version of SB 25 would require the new warning label for *at least* any food that contains one of the substances listed below. For a bit of additional context on how these substances may be used in connection with the food supply and their intended uses, we have also provided some links to non-exhaustive information regarding the current status of the substances listed in SB 25 in the U.S.

1. Acesulfame potassium ([21 CFR 172.800](#))
2. Acetylated esters of mono- and diglycerides (acetic acid ester) ([21 CFR 172.828](#) and [21 CFR 175.230](#))
3. Activated charcoal (the Association of Food and Drug Officials (“AFDO”) has [requested FDA review use](#))
4. Anisole ([21 CFR 172.515](#))
5. Atrazine (an [herbicide](#))
6. Azodicarbonamide (ADA) ([21 CFR 172.806](#) and others)
7. Butylated hydroxyanisole (BHA) ([21 CFR 172.110](#) and others)
8. Butylated hydroxytoluene (BHT) ([21 CFR 172.115](#) and others)
9. Bleached flour (see [21 CFR 137.105](#))
10. Blue 1 (CAS 3844-45-9) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
11. Blue 2 (CAS 860-22-0) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
12. Bromated flour ([21 CFR 137.155](#))
13. Calcium bromate ([21 CFR 136.110](#))
14. Canthaxanthin ([FDA Summary of Color Additives Approved for Use in Human Food](#))
15. Certified food colors by the United States Food and Drug Administration ([FDA Summary of Color Additives Approved for Use in Human Food](#))
16. Citrus red 2 (CAS 6358-53-8) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
17. Diacetyl ([21 CFR 184.1278](#))
18. Diacetyl tartaric and fatty acid esters of mono and diglycerides (DATEM) ([21 CFR 184.1101](#))
19. Dimethylamylamine (DMAA) ([unsafe food additive](#))
20. Dioctyl sodium sulfosuccinate (DSS) ([21 CFR 175.520](#) and others)
21. Ficin ([21 CFR 184.1316](#))
22. Green 3 (CAS 2353-45-9) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
23. Interesterified palm oil (IPO)
24. Interesterified soybean oil
25. Lactylated fatty acid esters of glycerol and propylene glycol ([21 CFR 172.850](#))
26. Lye
27. Melatonin (FDA has repeatedly [warned](#) melatonin is not GRAS for use in human food)
28. Morpholine (used to support food manufacturing, see [21 CFR 173.310](#) and others)
29. Olestra ([21 CFR 172.867](#))
30. Partially hydrogenated oil (PHO) ([not GRAS](#))
31. Potassium aluminum sulfate ([21 CFR 182.1129](#) and others)
32. Potassium bromate ([21 CFR 172.130](#))
33. Potassium iodate ([21 CFR 184.1635](#))
34. Potassium sorbate ([21 CFR 182.3640](#))

35. Propylene oxide (used to support food manufacturing, see [21 CFR 172.892](#) and others)
36. Propylparaben ([21 CFR 184.1670](#) and others)
37. Red 3 (CAS 16423-68-0) ([authorization recently revoked by FDA](#))
38. Red 4 (CAS 4548-53-2) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
39. Red 40 (CAS 25956-17-6) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
40. Sodium aluminum sulfate ([21 CFR 182.1131](#) and others)
41. Sodium lauryl sulfate ([21 CFR 172.822](#) and others)
42. Sodium stearyl fumarate ([21 CFR 172.826](#))
43. Stearyl tartrate
44. Synthetic or artificial vanillin ([21 CFR 182.60](#))
45. Synthetic trans fatty acid
46. Thiodipropionic acid ([21 CFR 182.3109](#))
47. Titanium dioxide ([FDA Summary of Color Additives Approved for Use in Human Food](#); [current FDA information](#))
48. Toluene
49. Yellow 5 (CAS 1934-21-0) ([FDA Summary of Color Additives Approved for Use in Human Food](#))
50. Yellow 6 (CAS 2783-94-0) ([FDA Summary of Color Additives Approved for Use in Human Food](#))

The current version of SB 25 also broadly states that “The warning label must [] include the [] statement if the food contains an artificial color, chemical or food additive...” but more narrowly provides that the warning expressly states that the product “contains an artificial color, chemical or food additive that is banned in Australia, Canada the European Union, or the United Kingdom.”

What Should Food Manufacturers Do About the Proposed SB 25?

The Regular Session of the Texas Legislature continues until May, but this priority legislation has been moving quickly through the process. Industry should provide comments to the Texas House Committee on Public Health, the authors and co-authors of the bill, and should help to educate other members of the Texas Legislature. SB 25 demonstrates the need for FDA to move quickly to assess chemicals in the food supply and reassure consumers so that there is a uniform national approach that removes problematic substances from the food supply and provides consumers with useful information.

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