FDA Takes Steps to Ease Path for Non-Petroleum Food Colors

February 6, 2026 Suzie Trigg, Kristi Weisner

PRACTICES FDA Regulatory and Compliance, Food, Beverage and Restaurant

After years of maintaining a policy that any added color in food is "artificial color," the U.S. Food and Drug Administration (FDA) issued a letter to industry announcing that it will exercise enforcement discretion as to the use of "no artificial colors" claims on the labels of foods not made from petroleum-based food dyes.[2] The move comes as a step towards one of the agency's 2026 Human Foods Program priorities – the removal of petroleum-based synthetic dyes from the U.S. food supply by the end of 2026.[3]

What Has Changed?

Products containing only naturally derived color additives may bear a "no artificial colors" claim, according to the FDA.

The FDA is now allowing companies to label products that contain no petroleum-based colors with a voluntary "no artificial colors" claim.[4] The products may bear claims, such as "Made Without Artificial Food Colors/Colorings," "No Artificial Color/Colors/Coloring" or "No Added Artificial Color/Colors/Coloring" even if they contain naturally-derived color additives.[5] To that end, the FDA advised industry that it would use enforcement discretion and does not intend to take enforcement action to deem a food misbranded under Section 403(a)(1) of the Federal Food, Drug and Cosmetic Act (FD&C Act) for a false or misleading label under these circumstances.[6]

Historically, a "no artificial colors" claim was only allowed on products containing no color additives whatsoever, whether natural or artificial.[7]

A "color additive" is "any material, not exempted under Section 201(t) of the [FD&C] Act, that is a dye, pigment or other substance made by a process of synthesis or similar artifice, or extracted, isolated or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral or other source and that, when added or applied to a food, drug or cosmetic or to the human body or any part thereof, is capable (alone or through reaction with another substance) of imparting a color thereto."[8]

Even a natural "food substance such as beet juice [] deliberately used as a color, as in pink lemonade" is considered to be a color additive; whereas, "[f]ood ingredients such as cherries, green or red peppers, chocolate and orange juice which contribute their own natural color when mixed with other foods are not…"[9] Consequently, in the past, even natural color additives, such as beet juice in lemonade, would render the product containing them ineligible for a "no artificial colors" claim.[10]

That is no longer the case. Still, it may take some time for the plaintiffs' bar to catch up. The FDA's statements should be more than persuasive to any court addressing a class action lawsuit that

includes allegations about a “no artificial colors” claim.

The FDA approved beetroot red as a new color additive.

On February 5, 2026, the FDA approved beetroot red at levels consistent with current good manufacturing practice (GMP) as a new color additive for use in foods for human consumption, except for foods under U.S. Department of Agriculture’s (USDA) jurisdiction, infant formula and foods for which a standard of identity exists that does not list beetroot as an authorized ingredient.[11]

The FDA expanded the use of spirulina extract as a color additive for certain purposes.

The FDA also expanded the use of spirulina extract as a color additive in food to “lower the heavy metal specifications for lead, arsenic and mercury and to add a specification for cadmium.”[12] Like beetroot, the expanded approval for the use of spirulina extract in food for human consumption does not apply to foods under USDA jurisdiction, infant formula or foods for which a standard of identity exists that does not list spirulina extract as an authorized ingredient.[13]

Manufacturers should refer to the specific language for each color additive listing to ensure proper approved use.

What Hasn’t Changed?

Natural color additives must still meet identity and purity standards.

Although naturally derived color additives are not subject to FDA batch certification like FD&C certified color additives are, they must still “meet the identity and specifications (including purity specifications) described in their listing regulations, and comply with other applicable legal and regulatory requirements.”[14] Therefore, as manufacturers pivot from using FD&C certified colors to naturally derived colors in their food products, they must ensure that there are protocols in place to “limit impurities, including heavy metal contaminants, solvent residues and microbial contaminants.”[15]

The FDA recommends consulting Appendix XXI of the most up-to-date U.S. Pharmacopeia Food Chemicals Codex (FCC) for guidelines on how to control contaminants in food colors derived from natural sources.[16]

The litigation risk associated with product label claims persists.

Finally, while the FDA states that it will use enforcement discretion for “no artificial colors” claims under the new scheme, this enforcement discretion does not extend to “no artificial colors” claims on products containing FD&C certified coloring agents.[17] Moreover, the litigation risk for manufacturers of products with labels bearing this and other negative claims (e.g., “no artificial flavors,” “no artificial preservatives,” etc.) is still a concern until.

As a best practice, manufacturers should make sure to obtain specification sheets and other documentation from their ingredient suppliers and maintain these records as substantiation for any and all claims made on their product labels.

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[1] Prepared by Suzie Trigg and Kristi Weisner as of February 5, 2026, based on the FDA's February 5, 2026, Constituent Update (available at https://www.fda.gov/news-events/press-announcements/fda-takes-new-approach-no-artificial-colors-claims?utm_medium=email&utm_source=govdelivery) and the FDA's Letter to the Food Industry on "No Artificial Colors" Labeling Claims (available at https://www.fda.gov/food/food-chemical-safety/letter-food-industry-no-artificial-colors-labeling-claims). Please refer to the full text of each for more detailed information and to ensure compliance.

[2] U.S. Food and Drug Admin., *FDA Takes New Approach to "No Artificial Colors" Claims* (Feb. 5, 2026).

[3] *Id*. (citing U.S. Food and Drug Admin., *Human Foods Program 2026 Priority Deliverables* (Jan. 27, 2026)).

[4] U.S. Food and Drug Admin., *FDA Takes New Approach to "No Artificial Colors" Claims* (Feb. 5, 2026).

[5] U.S. Food and Drug Admin., *Letter to the Food Industry on "No Artificial Colors" Labeling Claims* (Feb. 5, 2026).

[6] U.S. Food and Drug Admin., *Letter to the Food Industry on "No Artificial Colors" Labeling Claims* (Feb. 5, 2026) (citing 21 USC § 343(a)).

[7] *Id*.

[8] 21 CFR § 70.3(f)

[9] *Id*.

[10] U.S. Food and Drug Admin., *Letter to the Food Industry on "No Artificial Colors" Labeling Claims* (Feb. 5, 2026).

[11] U.S. Food and Drug Admin., *Listing of Color Additives Exempt from Certification: Beetroot Red* (Feb. 6, 2026).

[10] U.S. Food and Drug Admin., *Listing of Color Additives Exempt from Certification: Spirulina Extract* (Feb. 6, 2026).

[13] *Id*.

[14] US. Food and Drug Admin., *FDA Reminds Manufacturers of Color Additives Exempt from Certification to Comply with Identity and Purity Requirements* (Feb. 5, 2026).

[15] *Id*.

[16] *Id*. (citing *Food Chemicals Codex*, U.S. Pharmacopeia).

[17] U.S. Food and Drug Admin., *Letter to the Food Industry on "No Artificial Colors" Labeling Claims* (Feb. 5, 2026).