

Texas Food Manufacturers Required to Label Food Products Containing 44 Specific Additives

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On June 22, 2025, Texas Governor Greg Abbott signed Senate Bill 25 (SB 25) into law. While the law includes a broad range of public health initiatives, certain provisions impact food and beverage manufacturers by imposing a new requirement that food products sold in Texas carry a warning label if they contain certain additives or dyes. This labeling requirement takes effect for food labels developed or copyrighted on or after January 1, 2027.

Who Does SB 25 Apply To?

SB 25 applies to food manufacturers offering food products for sale in Texas, regardless of where they originally produced them. More specifically, SB 25 applies to the manufacture products that include any of the covered ingredients, and that list specifies including bleached flour, synthetic dyes, preservatives, and emulsifiers.

The law does not apply to restaurants and retail establishments; products not intended for human consumption; drugs or dietary supplements; pesticides or agricultural commodities; or other products subject to USDA regulations or Surgeon General warnings.

What Does SB 25 Require?

If a food manufacturer's product includes a covered ingredient, it must be disclosed. In order to do so, the following warning must appear on the product label:

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.

The label must be:

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- Placed in a prominent and reasonably visible location;
- Printed in a font size not smaller than the font used for other required information; and
- Well contrasted with the immediate background.

If the manufacturer sells the product on its website or a retailer's website, it must include a legible warning statement on the website or communicate the information to the consumer through other ways.

What Do Violations Entail?

If the Attorney General determines a manufacturer has violated this law, the potential repercussions and penalties can be severe, as the Attorney General may:

- Bring an injunction action against the manufacturer;
- Impose a penalty of a maximum of $50,000 *per day for each* food product in violation; and
- Order reimbursement for the state's investigation and enforcement expenses.

Interaction with Federal Law

Though the state-level labeling requirement is dramatic, the practical impact of this provision may be significantly limited by an express preemption clause included in the final version of the law. That clause provides that the warning label is not required if a federal regulation:

- Prohibits or imposes conditions on the use of the ingredient;
- Determines the ingredient or class of ingredients is safe for human consumption; or
- Requires a labeling statement relating to ultra-processed or processed foods.

Notably, many of the listed ingredients are already named by FDA regulations affirming their safety. If those regulations are interpreted as satisfying the preemption clause, the law's warning requirement

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may not apply to a substantial portion of the listed ingredients. A full list of substances the FDA have recognized as safe may be accessed here.

Texas organizations in the food and beverage manufacturing industry as well as out of state manufacturers selling food and beverages in Texas must note these requirements and ensure compliance with them. Manufacturers should continually review their products for current and future changes in FDA safety compliance, to determine whether their products are sold directly or indirectly in Texas, and to determine whether their products must comply with the new Texas regulations if they do not meet the federal safety safe harbors.

For additional information about the labeling requirements or assistance with placement or compliance, contact the authors or any member of FBT Gibbons' Consumable Goods Team.

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