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Industry Victory: Texas Food Additive Labeling Law Put on Ice

An unusual lineup of states is jumping on board the Trump administration's "Make America Healthy Again" campaign. There are currently dozens of pending bills in state legislatures seeking to ban certain consumable additives and dyes and/or apply greater warning label requirements. The food and beverage industry is pushing back and scored a victory in its first challenge against the rising tide of state-level legislation focused on consumable additives and dyes.

On February 11, 2026, the U.S. District Court for the Western District of Texas temporarily enjoined the implementation of Section 9 of Texas Senate Bill 25 (SB 25) on First Amendment grounds. The plaintiffs, a collection of food and beverage trade associations, sued the Texas Attorney General, challenging the constitutionality of SB 25.

The Western District of Texas found that there is a substantial likelihood that SB 25 violates the plaintiffs' First Amendment rights by compelling speech through a conspicuous warning stating that the product is "not recommended for human consumption." This warning would be required under SB 25 if the product contains one or more of 44 enumerated ingredients.

The district court, however, found that SB 25 was not narrowly tailored to Texas' substantial interest of protecting public health. For instance, Texas did not attempt to speak on its own, such as through an advertising campaign, nor did Texas demonstrate that such an advertising campaign would be ineffective. Because SB 25's warning label requirement was not narrowly tailored to materially advance Texas' interest in protecting public health, the Western District of Texas granted the plaintiffs' motion for preliminary injunction, stopping Texas from enforcing SB 25 for the time being.

Background on SB 25 and Similar Laws

SB 25 is part of a wave of laws attacking food additives and dyes that have surfaced in response to the Trump administration's "Make America Healthy Again" campaign. SB 25 was signed into law by Texas Governor Abbott on June 22, 2025, with an effective date of January 1, 2027. Section 9 of SB 25 does not ban any additives or dyes. It instead requires that products sold in Texas containing one or more of 44 enumerated ingredients include a conspicuous warning stating:

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's Senate Bill 14 (SB 14) is very similar to Texas' SB 25 because it also includes a labeling mandate for products sold in Louisiana that include one or more of 44 enumerated ingredients (most of which also fall under Texas' SB 25, but the lists are not identical). Louisiana's SB 14 requires that manufacturers include a QR code on their product packaging if the product contains one or more of the 44 ingredients. The QR code must link to a webpage which discloses the ingredient(s), with a separate link to the Food and Drug Administration's Food Chemical Safety webpage. Louisiana's SB 14 takes effect on January 1, 2028.

While Texas and Louisiana's legislation require warnings, other states have opted to pass a targeted ban on certain additives and dyes:

- California's AB 418 bans the use of brominated vegetable oil, potassium bromate, propylparaben, and Red 3 starting on January 1, 2027.
- West Virginia's HB 2354 makes any food containing Blue 1, Blue 2, Green 3, Red 3, Red 40, Yellow 5, Yellow 6, butylated hydroxyanisole, and propylparaben adulterated under state laws starting on January 1, 2028.
- Arkansas' Act 622 bans potassium bromate and propylparaben starting on January 1, 2028.

While the Western District of Texas's injunction stops the Texas warning requirements for now, consumable manufacturers and labelers must stay up to date on the wave of state-level legislation requiring unique labeling requirements or banning food additives and dyes outright. If you have any questions about current trends in consumable regulations, please contact the authors or any attorney with FBT Gibbons' [Consumable Goods Team](#).

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