

# PUBLICATION

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## How Food Manufacturers Should Prepare for Impact of MAHA Strategy Report

Authors: Samuel Lanier Felker, Mark M. Yacura, Alexandra B. Rychlak, Samuel C. Carey

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This week, the Presidential Commission to Make America Healthy Again (MAHA) released its *Make Our Children Healthy Again Strategy Report* (the Strategy Report), a follow-up to the initial MAHA Report released earlier this year. This Strategy Report details a plan to combat the health concerns identified in the first report, providing 128 recommendations aimed at effectuating the multiagency effort to tackle "root causes" of childhood chronic diseases. Although the report does not have the force of law, these extensive recommendations have major implications for the food and drug industries. Accordingly, food and beverage manufacturers should prepare for the industry-wide impacts.

### Initial MAHA Report Findings

The initial May 2025 MAHA Report identified certain food products as having a substantial effect on childhood illness:

**Increased Consumption of Ultra-Processed Foods (UPFs):** According to the Administration's report, the increased consumption of UPFs has, and continues to, perpetuate chronic disease in America's youth. The report acknowledges there is no single, universally accepted definition of UPFs and adopts a working, NOVA-aligned description: industrially manufactured, multistep products formulated for shelf life or palatability, often containing additives "not commonly found in home kitchens" (e.g., flavors, colorants, non-sugar sweeteners, emulsifiers) and typically higher in added sugars, refined grains, fats, and sodium while lower in fiber and essential nutrients. It further highlights that nearly 70 percent of an American child's calories now come from UPFs.

The MAHA Report further refers to the NOVA food classification system, which categorizes food products into four groups:

- **NOVA Group 1: Unprocessed or Minimally Processed Foods:** Naturally occurring foods and/or minimally processed foods (e.g., drying, freezing, and pasteurization)
- **NOVA Group 2: Processed Culinary Ingredients:** Foods extracted or refined from Group 1 foods or the environment. These foods are commonly used to prepare and/or season the Group 1 foods.
- **NOVA Group 3: Processed Foods:** Foods created by adding Group 2 foods to Group 1 foods. These foods typically include two to three ingredients.
- **NOVA Group 4: Ultra-Processed Foods (UPFs):** Industrial formulations with five or more ingredients. These foods often contain industrial ingredients not found in a home kitchen.

The Strategy Report also flags specific additive classes – including synthetic colors, titanium dioxide, parabens, butylated hydroxytoluene (BHT), and certain non-nutritive sweeteners – as areas of concern requiring closer scrutiny and research.

### Important Considerations for Food Companies

The MAHA Strategy Report lays out major policy reforms for food companies, particularly those producing and/or manufacturing products for children and young adults. More specifically, the Strategy Report identifies 128 recommendations to overcome what this Administration has determined are the "root causes" of childhood

chronic disease. The Strategy Report provides certain recommendations focused on food policy reforms, including:

- **Post-Market Review of Chemical Additives in Food:** FDA will continue to develop and implement an enhanced, evidence-based systematic process for the post-market assessment of chemicals in food, including food additives, color additives, "Generally Recognized as Safe" (GRAS) substances, substances used in contact with food, and chemicals present as unintentional (e.g., environmental) contaminants.
- **Ultra-Processed Foods:** USDA, HHS, and FDA will continue efforts to develop a U.S. government-wide definition for "ultra-processed food" to support potential future research and policy activity.
- **Nutrition Labeling:** FDA will consider revisions to its proposed Front-of-Pack Nutrition Information rulemaking based on input received during the comment period and the forthcoming DGAs, once released, and will work toward development of a potential Front-of-Pack Nutrition Information final rule.
- **GRAS Reform:** FDA will update regulations to reform the GRAS designation, within the scope of statutory authority, by closing the "GRAS loophole," implementing a mandatory GRAS notification program, and increasing consumer transparency with respect to substances found in our nation's food supply.

To prepare for the impact of these MAHA reforms, food companies should consider the following:

- Determine whether your product may be categorized as a UPF and identify which NOVA category your food product should be appropriately categorized within. Examine the impact these classifications have on your products, including (but not limited to) limitations on where your product may be sold and how it should be labeled.
- Reassess the nutrition labeling utilized for your products in light of the forthcoming reforms to the Dietary Guidelines for Americans (DGA) and prepare for FDA's revisions to the Front-of-Pack Nutrition Information.
- Ascertain whether your products utilize ingredients that are Generally Recognized as Safe (GRAS), and consider strategy for addressing the reforms to GRAS designations. FDA has indicated a target of October 2025 for a Notice of Proposed Rulemaking concerning revisions to the current GRAS regulations.
- Begin identifying strategies to overcome claims that your products exacerbate health issues identified in the initial MAHA Report, particularly chronic diseases in young people.
- Continue monitoring FDA/USDA activity around a potential federal definition of "ultra-processed."
- Review products – particularly those directed at children – for formulations that could be characterized as UPFs and assess marketing tactics (e.g., packaging, digital ads) for compliance risk.
- Consider strategies to defend the health benefits of your products and the safety of the ingredients used in them.

## Timeline

Baker Donelson's interdisciplinary team of food and beverage attorneys is closely monitoring MAHA-related developments. The MAHA Commission released its strategy report this week, stipulating the Administration's strategy to combat the issues identified in the first report. This new guidance addresses school nutrition standards, enhanced oversight of additives through the GRAS process, and increased scrutiny of child-directed advertising. Food manufacturers should prepare now for these developments, as they may have significant implications for products and marketing.