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Ultra/Highly Processed Foods: What You Need to Know about Recent HHS Initiatives

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The Trump administration continues to solidify its focus on curbing chronic disease under its Make America Healthy Again (MAHA) movement, discouraging Americans from consuming "ultra processed" and "highly processed" foods. The New Food Pyramid echoes this theme. This new paradigm presents unique challenges for the food sector. Food manufacturers are left uncertain as the administration has yet to define the terms "ultra processed" and "highly processed" foods.

As policymakers grapple over classifying "highly/ultra processed" in U.S. nutrition policy, the food sector must brace for the effects these ambiguous classifications will have on food regulations, specifically labeling. We provide a concise explanation of recent changes in terminology and the importance of preparing for these MAHA policies, specifically the effects on products labeled "healthy."

The New Food Pyramid

The U.S. Department of Health and Human Services (HHS) recently released the "[Dietary Guidelines for Americans, 2025-2030](#)" (DGAs), which includes a new, inverted food pyramid to replace the infamous 1992 graphic. This new food pyramid, labeled "Eat Real Food" diverts from the heavy carbohydrate diet promoted by the 1992 version and, conversely, emphasizes a diet of protein (meat, fish, eggs, dairy), fruits and vegetables, and healthy fats. The DGAs also focus on consuming water instead of drinks with sugar or artificial sweeteners. The DGAs promote "whole foods" and denounce "highly processed" foods and refined carbohydrates. Federal health officials recommend that consumers avoid "packaged, prepared, ready-to-eat or other foods that are salty or sweet, such as chips, cookies, and candy." Significantly, the DGAs do not define "highly processed" foods.

What Foods Are Considered Highly/Ultra Processed?

The administration's MAHA reports have demonstrated a novel approach in food policy, singling out "highly processed" foods – which include, but are not limited to, packaged, ready-to-eat products and ones that are often accused of including added sugar and sodium. Through HHS and its approach to MAHA, this administration has made it known that it is seeking to reduce the American public's intake of ultra/highly processed foods. This initiative will likely have major, lasting impacts on the food industry as processed foods are estimated to make up nearly 50 percent of the average American diet. This marks the first federal recommendation to limit specifically ultra/highly processed foods.

Despite the express intent to limit ultra/highly processed foods, industry leaders remain perplexed as to an appropriate and workable definition of this food category. Industry groups warn the public sector's oversimplification of processing-based categories presents risks of unintended consequences and emphasize science-based, nutrient-profile approaches. Conversely, many public health advocates encourage the administration to mandate express warnings about all "ultra/highly processed foods" and the alleged health consequences resulting from the consumption of these food products in any amount.

While the American consumer overwhelmingly presumes these "ultra/highly processed foods" include only the obvious "junk foods," the scope of this category of foods does not appear so limited. Previous MAHA reports

employed the well-recognized NOVA classification of **Ultra-Processed Foods**, which defines all foods containing an industrial formulation of five or more ingredients as an ultra-processed food. As of now, the DGAs apply the alternative "highly processed" term rather than the NOVA classification's "ultra-processed." With that, the DGAs further specify Americans should significantly reduce or avoid:

- consumption of highly processed, refined carbohydrates, such as white bread, ready-to-eat or packaged breakfast options, flour tortillas, and crackers;
- highly processed packaged, prepared, ready-to-eat, or other foods that are salty or sweet, such as chips, cookies, and candy that have added sugars and sodium (salt). Instead, prioritize nutrient-dense foods and home-prepared meals. When dining out, choose nutrient-dense options;
- highly processed vegan or vegetarian foods that can include added fats, sugars, and salt; and
- highly processed foods laden with refined carbohydrates, added sugars, excess sodium, unhealthy fats, and chemical additives.

Food Labeling Challenges and Risks

This new MAHA focus presents a multitude of litigation risks for both food manufacturers and retailers, especially around deceptive marketing, consumer protection, failure-to-warn, front-of-pack labeling, and "public nuisance" theories of liability. While ultra-processed food litigation is still emerging, the contours of future lawsuits could be easily anticipated to include claims of alleged false advertising, deceptive practices, and unfair competition, claiming companies marketed ultra/highly processed foods as safe/healthy while knowing of associated health risks. The risks are particularly high for food labels promoting a product as "natural" or "healthy" while falling within the category of ultra/highly processed food.

Despite the recent emphasis on highly/ultra processed foods, litigation over ultra/highly processed foods remains in its infancy. We have been following [a now-dismissed lawsuit](#) by a private plaintiff in Pennsylvania federal court that alleged food manufacturers produce highly addictive ultra-processed foods and promote them to children, causing an increase in obesity, diabetes, and other chronic illnesses. However, the judge threw out the case in August 2025, finding that the plaintiff did not adequately allege how he was harmed by the companies' products. The plaintiff is seeking to amend the complaint and continue with his case.

Notably, the San Francisco City Attorney filed a lawsuit in December 2025 against multiple food manufacturers claiming they intentionally designed and promoted ultra-processed products that are highly addictive, similar to tobacco and illegal drugs. The [sprawling 256-paragraph complaint](#) is the first attempt by any government to litigate in this space and provides a potential blueprint for private consumer litigation. The city seeks to halt what it calls "deceptive marketing," require public education, and obtain financial recovery for public health costs associated with obesity, diabetes, and other diseases that some researchers associate with ultra/highly processed foods. The case is currently in its early stages, with the manufacturer defendants pushing back, particularly with causation defenses.

Risk Mitigation Checklist for Food Manufacturers and Retailers

- Audit high-risk products and consider re-evaluating product claims of "natural," "no artificial...," and/or other similar "healthy" statements. Likewise consider similar claims against ingredient lists and processing steps.
- Maintain robust scientific substantiation for health-adjacent statements and ensure alignment with evolving FDA frameworks to support preemption defenses.

- Reassess marketing to children and placement strategies, given the increased focus on youth-targeting allegations.
- Preserve R&D, marketing, and safety documentation.
- Prepare causation defenses and expert strategies emphasizing multifactorial disease etiology and regulatory compliance.
- Track evolving Food and Drug Administration/U.S. Department of Agriculture definitions and state laws to anticipate labeling/school-channel impacts and prevent inconsistent messaging.
- Retailers should assess private-label exposure, shelf-tag/claim content, and co-defense agreements with suppliers. While retailers are not currently predominant defendants, retailers may soon see increased attention.

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