

119TH CONGRESS
2D SESSION

H. R. 9969

To direct the Federal Trade Commission to conduct an investigation and submit to Congress a report on unfair or deceptive acts or practices that may be prevalent in the advertising or marketing of preterm infant formula and to issue regulations to prohibit unfair or deceptive acts or practices related to the advertising or marketing of preterm infant formula, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2026

Mr. PAPPAS (for himself and Ms. DELAURO) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To direct the Federal Trade Commission to conduct an investigation and submit to Congress a report on unfair or deceptive acts or practices that may be prevalent in the advertising or marketing of preterm infant formula and to issue regulations to prohibit unfair or deceptive acts or practices related to the advertising or marketing of preterm infant formula, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Baby Brent’s Bill”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) parents should retain the right to be fully
4 informed about, and to take steps to protect, the
5 health of their preterm infants;

6 (2) there are numerous studies that document
7 that, when necessary, human milk-based fortifiers
8 are generally considered safer than bovine fortifiers;

9 (3) scientific gaps still exist for better under-
10 standing how certain feeding practices may impact a
11 preterm infant developing necrotizing enterocolitis
12 (in this section referred to as “NEC”);

13 (4) one of the deadliest comorbidities associated
14 with prematurity and the most common gastro-
15 intestinal emergency experienced by preterm infants
16 in the Newborn Intensive Care Unit is NEC;

17 (5) 1 baby dies of NEC each day;

18 (6) strong individual protection for preterm in-
19 fants and their families is critical to preserving their
20 ability to seek compensation when harm occurs, spe-
21 cifically in cases where preterm infants were exposed
22 to factors that may have increased the risk of devel-
23 oping NEC; and

24 (7) no manufacturer of preterm infant formula
25 or related products should be permitted to limit,
26 evade, or otherwise diminish the ability of families to

1 pursue legal recourse when their preterm infants ex-
2 perience harm.

3 **SEC. 3. UNFAIR OR DECEPTIVE ACTS OR PRACTICES RE-**
4 **LATED TO THE ADVERTISING AND MAR-**
5 **KETING OF PRETERM INFANT FORMULA.**

6 (a) INVESTIGATION AND REPORT BY COMMISSION.—

7 (1) INVESTIGATION.—

8 (A) IN GENERAL.—The Commission shall
9 conduct an investigation on the advertising and
10 marketing of preterm infant formula that shall
11 identify potentially unfair or deceptive acts or
12 practices that may be prevalent in such adver-
13 tising or marketing, as well as any other infor-
14 mation as the Commission determines appro-
15 priate.

16 (B) CONSIDERATIONS.—In conducting the
17 investigation required by subparagraph (A), the
18 Commission shall consider advertising or mar-
19 keting materials with respect to preterm infant
20 formula that may exclude—

21 (i) labeling information about poten-
22 tial health risks associated with the con-
23 sumption of preterm infant formula and
24 fortifiers; or

(ii) differences, including with respect to benefits and drawbacks, between consuming human breast milk and human milk-based fortifiers and consuming bovine-based fortifiers during infancy.

(2) REPORT.—Not later than 1 year after the date of the enactment of this section, the Commission shall submit to Congress a report on the investigation required by paragraph (1)(A) and any recommendation for legislation or administrative action as the Commission determines appropriate.

(3) EXEMPTION FROM PAPERWORK REDUCTION ACT.—This subsection is exempt from subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 18 months after the date on which the Commission submits the report as required by subsection (a)(2), the Commission shall promulgate, under section 553 of title 5, United States Code, regulations to prohibit any manufacturer or importer of preterm infant formula from engaging in any unfair or deceptive act or practice related to the advertising or marketing of preterm infant formula.

1 (2) REQUIREMENTS.—In promulgating regula-
2 tions pursuant to paragraph (1), the Commission
3 shall address advertising or marketing materials
4 with respect to preterm infant formula that may ex-
5 clude—

6 (A) labeling information about potential
7 health risks associated with the consumption of
8 preterm infant formula and fortifiers; or

9 (B) differences, including with respect to
10 benefits and drawbacks, between consuming
11 human breast milk and human milk-based for-
12 tifiers and consuming bovine-based fortifiers
13 during infancy.

14 (c) ENFORCEMENT.—

15 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
16 TICES.—A violation of a regulation promulgated
17 pursuant to subsection (b)(1) shall be treated as a
18 violation of a rule defining an unfair or deceptive act
19 or practice under section 18(a)(1)(B) of the Federal
20 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

21 (2) POWERS OF COMMISSION.—

22 (A) IN GENERAL.—The Commission shall
23 enforce the regulations promulgated pursuant
24 to subsection (b)(1) in the same manner, by the
25 same means, and with the same jurisdiction,

1 powers, and duties as though all applicable
2 terms and provisions of the Federal Trade
3 Commission Act (15 U.S.C. 41 et seq.) were in-
4 corporated into and made a part of this Act.

5 (B) PRIVILEGES AND IMMUNITIES.—Any
6 person who violates a regulation promulgated
7 pursuant to subsection (b)(1) shall be subject to
8 the penalties and entitled to the privileges and
9 immunities provided in the Federal Trade Com-
10 mission Act (15 U.S.C. 41 et seq.).

11 (d) DEFINITIONS.—In this section:

12 (1) COMMISSION.—The term “Commission”
13 means the Federal Trade Commission.

14 (2) PRETERM INFANT.—The term “preterm in-
15 fant” means an infant who—

16 (A) is born before 37 weeks of gestation;

17 or

18 (B) is a low birth weight infant.

19 (3) PRETERM INFANT FORMULA.—The term
20 “preterm infant formula” means any infant formula
21 that—

22 (A) is exempt under section 412(h)(1) of
23 the Federal Food, Drug, and Cosmetic Act (21
24 U.S.C. 350a(h)(1)); and

1 (B) is intended to be administered to a
2 preterm infant.

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