

Calendar No. 531

119TH CONGRESS
2D SESSION**S. 5026**

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing high-intensity sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children.

 IN THE SENATE OF THE UNITED STATES

JULY 16, 2026

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JULY 28, 2026

Reported by Mr. CASSIDY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing high-intensity sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Childhood Diabetes Reduction Act of 2026”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 101. Health warning labeling of foods; restriction on certain advertisements directed at children.

Sec. 102. National Institutes of Health research on nutrition science.

Sec. 103. Nutrition and physical activity public education campaign.

TITLE II—FEDERAL TRADE COMMISSION

Sec. 201. Definitions.

Sec. 202. Restrictions on advertisements for junk food directed at children; required disclosure of any health and nutrient warning label in advertisements.

Sec. 203. Restoring the Federal Trade Commission’s ability to promulgate rules on children’s advertising.

6 **TITLE I—DEPARTMENT OF**
7 **HEALTH AND HUMAN SERVICES**

8 **SEC. 101. HEALTH WARNING LABELING OF FOODS; RE-**
9 **STRICTION ON CERTAIN ADVERTISEMENTS**
10 **DIRECTED AT CHILDREN.**

11 (a) **FRONT OF PACKAGE NUTRITION LABELING.**—
12 Section 403 of the Federal Food, Drug, and Cosmetic Act
13 (21 U.S.C. 343) is amended—

14 (1) by adding at the end the following:

15 “(z)(1) If it is a sugar-sweetened beverage intended
16 for human consumption and is offered for sale, unless its
17 label includes the following statement: ‘Food and Drug
18 Administration Warning: Drinking beverages with added

1 sugar can contribute to obesity, type 2 diabetes, and tooth
 2 decay. Not recommended for children.’, and such state-
 3 ment is—

4 “(A) enclosed by a rectangular border in bold
 5 type and readily legible under ordinary conditions
 6 alongside an icon comprised of an exclamation point
 7 contained within a triangle; and

8 “(B) prominently displayed on the front, or the
 9 principal display, of the container, using not less
 10 than 5 percent of the area of the front, or the prin-
 11 cipal display, of the container, and, as applicable, on
 12 2 sides of any multi-pack packaging.

13 “(2) If it is a food, including a beverage, containing
 14 any high-intensity sweetener intended for human con-
 15 sumption and is offered for sale, unless its label includes
 16 the following statement: ‘Food and Drug Administration
 17 Warning: Contains high-intensity sweetener. Not rec-
 18 ommended for children.’, and such statement is—

19 “(A) enclosed by a rectangular border in bold
 20 type and readily legible under ordinary conditions
 21 alongside an icon comprised of an exclamation point
 22 contained within a triangle; and

23 “(B) prominently displayed on the front, or the
 24 principal display, of the container, using not less
 25 than 5 percent of the area of the front, or the prin-

1 eipal display, of the container, and, as applicable, on
 2 2 sides of any multi-pack packaging.

3 ~~“(3) If it is an ultra-processed food, including a bev-~~
 4 ~~erage, intended for human consumption and is offered for~~
 5 ~~sale, unless its label includes the following statement:~~
 6 ~~‘Food and Drug Administration Warning: Consuming~~
 7 ~~ultra-processed foods and drinks can cause weight gain,~~
 8 ~~which increases the risk of obesity and type 2 diabetes.’,~~
 9 ~~and such statement is—~~

10 ~~“(A) enclosed by a rectangular border in bold~~
 11 ~~type and readily legible under ordinary conditions~~
 12 ~~alongside an icon comprised of an exclamation point~~
 13 ~~contained within a triangle; and~~

14 ~~“(B) prominently displayed on the front, or the~~
 15 ~~principal display, of the container, using not less~~
 16 ~~than 5 percent of the area of the front, or the prin-~~
 17 ~~icipal display, of the container, and, as applicable, on~~
 18 ~~2 sides of any multi-pack packaging.~~

19 ~~“(4) If it is a food, including a beverage, intended~~
 20 ~~for human consumption and is offered for sale, and such~~
 21 ~~food contains a nutrient of concern, such as added sugar,~~
 22 ~~saturated fat, or sodium, or any other nutrient of concern,~~
 23 ~~as the Secretary determines appropriate, at a level that~~
 24 ~~increases, for individuals in the general population, the~~
 25 ~~risk of disease or a health-related condition, as defined~~

1 by the Secretary, unless its label includes the following
 2 statement for each nutrient of concern: ‘High in’, followed
 3 by the specific nutrient of concern, and such statement
 4 is—

5 “(A) enclosed by an octagon border in bold type
 6 and readily legible under ordinary conditions; and

7 “(B) prominently displayed on the front, or the
 8 principal display, of the container, using not less
 9 than 5 percent of the area of the front, or the prin-
 10 cipal display, of the container, and, as applicable, on
 11 2 sides of any multi-pack packaging.

12 “(5) The Secretary shall promulgate regulations to
 13 apply the labeling requirements under subparagraphs (1),
 14 (2), (3), and (4) with respect to food offered for sale by
 15 online retailers.

16 “(6) For purposes of this paragraph—

17 “(A) the term ‘high-intensity sweetener’—

18 “(i) means any synthetic, naturally occur-
 19 ring, or modified non-nutritive sweetener that is
 20 not classified as sugar and is used as an ingre-
 21 dient in manufactured food, or sold on its own
 22 to be added to food; and

23 “(ii) includes acesulfame K, aspartame,
 24 advantame, cyclamates, monk fruit, neotame,

1 saccharin, sucralose, stevia, and stevia deriva-
 2 tives;

3 ~~“(B) the term ‘sugar-sweetened beverage’—~~

4 ~~“(i) means any beverage intended for~~
 5 human consumption to which one or more ca-
 6 lorie sweeteners has been added and that con-
 7 tains 25 or more calories per 12 fluid ounces of
 8 beverage; and

9 ~~“(ii) includes drinks and beverages com-~~
 10 monly referred to as ‘soda’, ‘pop’, ‘cola’, ‘soft
 11 drinks’, ‘sports drinks’, ‘energy drinks’,
 12 ‘slushies’, ‘sweetened ice tea’, ‘fruit juice’, or
 13 any other drinks and beverage, as determined
 14 by the Secretary; and

15 ~~“(iii) does not include—~~

16 ~~“(I) infant formula;~~

17 ~~“(II) any beverage for medical use;~~

18 ~~“(III) any beverage designed as sup-~~
 19 plemental, meal replacement, or sole-source
 20 nutrition that includes proteins, carbo-
 21 hydrates, and multiple vitamins and min-
 22 erals;

23 ~~“(IV) any milk product;~~

24 ~~“(V) 100 percent natural fruit or veg-~~
 25 etable juice; or

1 “(VI) any alcoholic beverage; and

2 “(C) the term ‘ultra-processed food’—

3 “(i) means a food, including a beverage,
4 containing one or more industrial ingredients,
5 including surface-active agents, stabilizers and
6 thickeners, propellants, aerating agents and
7 gases, color and coloring adjuncts, emulsifiers
8 and emulsifier salts, flavoring agents and adju-
9 vants, flavor enhancers, surface-finishing, high-
10 intensity sweeteners, and other ingredients, as
11 the Secretary determines appropriate; and

12 “(ii) does not include—

13 “(I) any product that meets the defi-
14 nition of ‘healthy’ set forth in current reg-
15 ulations promulgated by the Food and
16 Drug Administration; or

17 “(II) infant formula.”; and

18 (2) in paragraph (r)—

19 (A) in subparagraph (2)(A)(vi), by insert-
20 ing “, including if the Secretary determines
21 that the food is high in added sugar, saturated
22 fat, sodium, or any other nutrient of concern
23 (as determined by the Secretary pursuant to
24 paragraph (z)(4)); or if the food contains high-
25 intensity sweetener or is an ultra-processed food

1 (as defined in paragraph (z)(6)(C))” before the
 2 period at the end; and

3 (B) in subparagraph (3)(A)—

4 (i) in subclause (i), by striking “,
 5 and” and inserting a semicolon;

6 (ii) in subclause (ii), by striking the
 7 period and inserting “; and”; and

8 (iii) by adding at the end the fol-
 9 lowing:

10 “(iii) if the food is not required to include a nu-
 11 trition warning label under subparagraph (1), (2),
 12 (3), or (4) of paragraph (z).”.

13 (b) ADVERTISING.—Section 301 of the Federal Food,
 14 Drug, and Cosmetic Act (21 U.S.C. 331) is amended by
 15 adding at the end the following:

16 “(jjj)(1) Marketing or advertising a food for which
 17 labeling is required under section 403(z), in a manner that
 18 reasonably appears to be directed at children.

19 “(2) In determining whether any marketing or adver-
 20 tising reasonably appears to be directed to children for
 21 purposes of subparagraph (1), the Secretary shall consider
 22 the totality of the circumstances, including whether such
 23 marketing or advertising uses themes or promotional
 24 strategies for food described in section 403(z) that appeal
 25 to children, such as the use of fun or fantasy themes, ath-

letes and celebrities, cross-promotions using fictional characters, cartoon characters, social media influencers, animation, children’s music, actors, or situations representing children’s daily life, or free gifts or toys, contests, interactive games, or mobile or computer applications.”.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Health and Human Services \$5,000,000 for each of fiscal years 2027 through 2031 for purposes of promulgating regulations and carrying out enforcement activities with respect to the labeling requirements under the amendments made by subsections (a) and (b).

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

**SEC. 102. NATIONAL INSTITUTES OF HEALTH RESEARCH
ON NUTRITION SCIENCE.**

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

“SEC. 404P. RESEARCH AND COLLABORATION ON NUTRITION SCIENCE.

“(a) **IN GENERAL.**—The Director of NIH shall expand, intensify, and coordinate programs, such as the Nutrition Regulatory Science Program, for the conduct and

1 support of research with respect to nutrition science, in-
 2 cluding research on—

3 “(1) the health effects of ultra-processed foods
 4 on consumers;

5 “(2) the specific food and beverage ingredients,
 6 additives, sweeteners, and chemicals within ultra-
 7 processed foods that may be harmful to health;

8 “(3) the safety profile of food and beverage in-
 9 gredients, additives, sweeteners, and chemicals that
 10 have been self-affirmed by food and beverage manu-
 11 facturers as generally recognized as safe without re-
 12 view of such status by the Food and Drug Adminis-
 13 tration; and

14 “(4) the formulation of ultra-processed foods to
 15 have hyper-palatable qualities and association with
 16 addiction.

17 “(b) MEETINGS ON NUTRITION.—

18 “(1) IN GENERAL.—Not later than 1 year after
 19 the date of enactment of the Childhood Diabetes Re-
 20 duction Act of 2026, and every 5 years thereafter,
 21 the Director of NIH, in coordination with the Com-
 22 missioner of Food and Drugs and the heads of other
 23 agencies, as appropriate, shall convene a public
 24 meeting for the purpose of discussing research ef-
 25 forts aimed at improving nutrition and reducing the

1 incidence of diet-related chronic disease, with the
2 goal of informing Federal policy.

3 ~~“(2) PARTICIPANTS.—~~

4 ~~“(A) IN GENERAL.—Each meeting under~~
5 ~~paragraph (1) shall involve a diverse group of~~
6 ~~stakeholders, including food scientists and re-~~
7 ~~searchers, registered dietitians and nutrition-~~
8 ~~ists, clinicians specializing in nutrition-related~~
9 ~~diseases, Federal stakeholders, and nongovern-~~
10 ~~mental organizations focused on nutrition and~~
11 ~~health.~~

12 ~~“(B) CONSIDERATION.—In selecting stake-~~
13 ~~holders described in subparagraph (A) for par-~~
14 ~~ticipation in each meeting under paragraph (1),~~
15 ~~the Director of NIH shall ensure that stake-~~
16 ~~holders who are speaking at the meeting have~~
17 ~~no financial affiliation with manufacturers of~~
18 ~~ultra-processed food.~~

19 ~~“(3) TOPICS.—Each meeting under paragraph~~
20 ~~(1) shall include discussion of—~~

21 ~~“(A) current research findings related to~~
22 ~~nutrition and chronic disease, including the im-~~
23 ~~pact of food labeling requirements under section~~
24 ~~403(z) of the Federal Food, Drug, and Cos-~~
25 ~~metic Act;~~

1 “(B) any gaps in such research and prior-
2 ities for future research;

3 “(C) evidence-based practices for improv-
4 ing nutrition and innovative approaches to pre-
5 vent and manage chronic conditions through di-
6 etary innovations; and

7 “(D) such other topics as the Director of
8 NIH determines appropriate.

9 “(4) REPORT TO CONGRESS.—The Director
10 NIH, in coordination with the Commissioner of
11 Food and Drugs, shall submit a report on each
12 meeting under paragraph (1) to the Committee on
13 Health, Education, Labor, and Pensions of the Sen-
14 ate and the Committee on Energy and Commerce of
15 the House of Representatives, and shall make each
16 such report publicly available on the website of the
17 National Institutes of Health.

18 “(e) DEFINITION.—In this section, the term ‘ultra-
19 processed food’ has the meaning given such term in sec-
20 tion 403(z)(6) of the Federal Food, Drug, and Cosmetic
21 Act.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—For the
23 purpose of carrying out this section, there are authorized
24 to be appropriated \$60,000,000 for each fiscal years 2027
25 through 2031.”.

1 **SEC. 103. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
 2 **EDUCATION CAMPAIGN.**

3 Title III of the Public Health Service Act (42 U.S.C.
 4 241 et seq.) is amended by striking section 399Y and in-
 5 serting the following:

6 **“SEC. 399Y. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
 7 **EDUCATION CAMPAIGN.**

8 “(a) IN GENERAL.—The Secretary, acting through
 9 the Director of the Centers for Disease Control and Pre-
 10 vention, and in collaboration with national, State, Tribal,
 11 and local partners, physical activity organizations, nutri-
 12 tion experts, physical activity experts, health professional
 13 organizations, and other organizations, as appropriate,
 14 shall develop a national public campaign to educate the
 15 public, including adults, children, and caregivers, con-
 16 cerning—

17 “(1) how to read and understand the nutrient
 18 warning labels required under subparagraphs (1)
 19 through (4) of section 403(z) of the Federal Food,
 20 Drug, and Cosmetic Act;

21 “(2) the health risks associated with obesity, in-
 22 activity, and poor nutrition, including consumption
 23 of foods described in subparagraphs (1) through (4)
 24 of section 403(z) of the Federal Food, Drug, and
 25 Cosmetic Act;

1 ~~“(3) ways to incorporate physical activity into~~
 2 ~~daily living;~~

3 ~~“(4) ways to support a healthy lifestyle and re-~~
 4 ~~duce the risk of chronic illness, including obesity;~~

5 ~~“(5) the benefits of good nutrition; and~~

6 ~~“(6) strategies to improve eating and drinking~~
 7 ~~habits, such as identifying and selecting healthier~~
 8 ~~food choices and reducing consumption of added~~
 9 ~~sugars, saturated fat, and sodium.~~

10 ~~“(b) AUTHORIZATION OF APPROPRIATIONS.—There~~
 11 ~~are authorized to be appropriated to carry out this section~~
 12 ~~\$10,000,000 for each of the fiscal years 2027 through~~
 13 ~~2031.”.~~

14 **TITLE II—FEDERAL TRADE** 15 **COMMISSION**

16 **SEC. 201. DEFINITIONS.**

17 In this title:

18 (1) ~~CHILD.~~—The term “child” means an indi-
 19 vidual who is under the age of 13.

20 (2) ~~CHILD-DIRECTED ADVERTISING.~~—The term
 21 “child-directed advertising” means any advertise-
 22 ment—

23 (A) that uses themes or promotional strat-
 24 egies that appeal to children, which may include
 25 the use of—

(i) fun or fantasy themes, cartoon characters, social media influencers, animation, endorsements by celebrities and athletes, cross-promotions using fictional characters, children's music, actors, or situations representing children's daily life; or

(ii) free gifts or toys, contests, interactive games, or mobile or computer applications; or

(B) in media for which children comprise at least 30 percent of the audience, as determined by the Commission, that is displayed using—

(i) traditional measured media, such as television, radio, and printed media; or

(ii) electronic media, content created by influencers, online videos, company-sponsored websites, social media, movies, and video games.

(3) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(4) JUNK FOOD.—The term “junk food” means products with labeling requirements described in subparagraph (1), (2), (3), or (4) of paragraph (z) of section 403 of the Federal Food, Drug, and Cos-

1 metic Act (21 U.S.C. 343), as added by section
 2 101(a) of this Act.

3 **SEC. 202. RESTRICTIONS ON ADVERTISEMENTS FOR JUNK**
 4 **FOOD DIRECTED AT CHILDREN; REQUIRED**
 5 **DISCLOSURE OF ANY HEALTH AND NUTRIENT**
 6 **WARNING LABEL IN ADVERTISEMENTS.**

7 (a) ~~MARKETING OR ADVERTISING JUNK FOOD TO~~
 8 ~~CHILDREN.—~~

9 (1) ~~IN GENERAL.—~~It shall be unlawful for any
 10 person to market or advertise, or produce or dis-
 11 tribute any advertisement or marketing material for,
 12 junk food by using child-directed advertising.

13 (2) ~~CONSIDERATIONS.—~~In determining whether
 14 any marketing or advertising uses child-directed ad-
 15 vertising for purposes of subparagraph (A), the
 16 Commission shall consider the totality of the cir-
 17 cumstances.

18 (b) ~~REQUIRED DISCLOSURE.—~~It shall be unlawful
 19 for any person to market or advertise, or produce or dis-
 20 tribute any advertisement or marketing material for, junk
 21 food without including in such advertisement or marketing
 22 material the relevant mandatory health or nutrient warn-
 23 ing label or notice described in section 403(z) of the Fed-
 24 eral Food, Drug, and Cosmetic Act (21 U.S.C. 343(z)).

1 (c) ~~EFFECTIVE DATE.~~—The prohibitions established
 2 in this section shall take effect on the date that is 1 year
 3 after the date of enactment of this Act.

4 (d) ~~ENFORCEMENT BY THE COMMISSION.~~—

5 (1) ~~UNFAIR OR DECEPTIVE ACT OR PRACTICE.~~—A violation of this section or a regulation
 6 promulgated under this section shall be treated as a
 7 violation of a rule defining an unfair or deceptive act
 8 or practice under section 18(a)(1)(B) of the Federal
 9 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).
 10

11 (2) ~~POWERS OF THE COMMISSION.~~—

12 (A) ~~IN GENERAL.~~—Except as provided in
 13 subparagraph (C), the Commission shall enforce
 14 this section in the same manner, by the same
 15 means, and with the same jurisdiction, powers,
 16 and duties as though all applicable terms and
 17 provisions of the Federal Trade Commission
 18 Act (15 U.S.C. 41 et seq.) were incorporated
 19 into and made a part of this section.

20 (B) ~~PRIVILEGES AND IMMUNITIES.~~—Ex-
 21 cept as provided in subparagraph (C), any per-
 22 son who violates this section or a regulation
 23 promulgated under this section shall be subject
 24 to the penalties and entitled to the privileges

and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

~~(C) COMMON CARRIERS.~~—Notwithstanding section 4, 5(a)(2), or 6 of the Federal Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46) or any jurisdictional limitation of the Commission, the Commission shall also enforce this Act, in the same manner provided in subparagraphs (A) and (B), with respect to common carriers subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.) and Acts amendatory thereof and supplementary thereto.

~~(D) AUTHORITY PRESERVED.~~—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

~~(E) RULEMAKING.~~—The Commission shall promulgate in accordance with section 553 of title 5, United States Code, such rules as may be necessary to carry out this section.

**SEC. 203. RESTORING THE FEDERAL TRADE COMMISSION'S
ABILITY TO PROMULGATE RULES ON CHILDREN'S ADVERTISING.**

(a) IN GENERAL.—Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)) is repealed.

(b) ~~CONFORMING AMENDMENT.—Section 18(a)(1) of~~
 such Act is amended in the matter preceding subpara-
 graph (A), by striking “Except as provided in subsection
 (h), the Commission” and inserting “The Commission”.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—*This Act may be cited as the*
“Childhood Diabetes Reduction Act of 2026”.

(b) *TABLE OF CONTENTS.*—*The table of contents for*
this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 101. Front of package nutrition labeling of foods; restriction on certain ad-
vertisements directed at children.

Sec. 102. National Institutes of Health research on nutrition science.

Sec. 103. Nutrition and physical activity public education campaign.

TITLE II—FEDERAL TRADE COMMISSION

Sec. 201. Definitions.

Sec. 202. Restrictions on advertisements for junk food directed at children; re-
quired disclosure of any health and nutrient warning label in
advertisements.

Sec. 203. Restoring the Federal Trade Commission’s ability to promulgate rules
on children’s advertising.

TITLE I—DEPARTMENT OF
HEALTH AND HUMAN SERVICES

SEC. 101. FRONT OF PACKAGE NUTRITION LABELING OF
FOODS; RESTRICTION ON CERTAIN ADVER-
TISEMENTS DIRECTED AT CHILDREN.

(a) *FRONT OF PACKAGE NUTRITION LABELING.*—*Sec-*
tion 403 of the Federal Food, Drug, and Cosmetic Act (21
U.S.C. 343) is amended—

(1) *by adding at the end the following:*

1 “(z)(1) *If it is a sugar-sweetened beverage intended for*
 2 *human consumption and is offered for sale, unless its label*
 3 *includes the following statement: ‘Food and Drug Adminis-*
 4 *tration Warning: Drinking beverages with added sugar can*
 5 *contribute to obesity, type 2 diabetes, and tooth decay. Not*
 6 *recommended for children.’, and such statement is—*

7 “(A) *enclosed by a rectangular border in bold*
 8 *type and readily legible under ordinary conditions*
 9 *alongside an icon comprised of an exclamation point*
 10 *contained within a triangle; and*

11 “(B) *prominently displayed on the front, or the*
 12 *principal display, of the container, using not less*
 13 *than 5 percent of the area of the front, or the prin-*
 14 *cipal display, of the container, and, as applicable, on*
 15 *2 sides of any multi-pack packaging.*

16 “(2) *If it is a food, including a beverage, containing*
 17 *any high-intensity sweetener intended for human consump-*
 18 *tion and is offered for sale, unless its label includes the fol-*
 19 *lowing statement: ‘Food and Drug Administration Warn-*
 20 *ing: Contains high-intensity sweetener. Not recommended*
 21 *for children.’, and such statement is—*

22 “(A) *enclosed by a rectangular border in bold*
 23 *type and readily legible under ordinary conditions*
 24 *alongside an icon comprised of an exclamation point*
 25 *contained within a triangle; and*

1 “(B) prominently displayed on the front, or the
2 principal display, of the container, using not less
3 than 5 percent of the area of the front, or the prin-
4 cipal display, of the container, and, as applicable, on
5 2 sides of any multi-pack packaging.

6 “(3) If it is an ultra-processed food, including a bev-
7 erage, intended for human consumption and is offered for
8 sale, unless its label includes the following statement: ‘Food
9 and Drug Administration Warning: Consuming ultra-proc-
10 essed foods and drinks can cause weight gain, which in-
11 creases the risk of obesity and type 2 diabetes.’, and such
12 statement is—

13 “(A) enclosed by a rectangular border in bold
14 type and readily legible under ordinary conditions
15 alongside an icon comprised of an exclamation point
16 contained within a triangle; and

17 “(B) prominently displayed on the front, or the
18 principal display, of the container, using not less
19 than 5 percent of the area of the front, or the prin-
20 cipal display, of the container, and, as applicable, on
21 2 sides of any multi-pack packaging.

22 “(4) If it is a food, including a beverage, intended for
23 human consumption and is offered for sale, and such food
24 contains a nutrient of concern, such as added sugar, satu-
25 rated fat, or sodium, or any other nutrient of concern, as

1 *the Secretary determines appropriate, at a level that in-*
 2 *creases, for individuals in the general population, the risk*
 3 *of disease or a health-related condition, as defined by the*
 4 *Secretary, unless its label includes the following statement*
 5 *for each nutrient of concern: ‘High in’, followed by the spe-*
 6 *cific nutrient of concern, and such statement is—*

7 “(A) *enclosed by an octagonal border in bold*
 8 *type and readily legible under ordinary conditions;*
 9 *and*

10 “(B) *prominently displayed on the front, or the*
 11 *principal display, of the container, using not less*
 12 *than 5 percent of the area of the front, or the prin-*
 13 *cipal display, of the container, and, as applicable, on*
 14 *2 sides of any multi-pack packaging.*

15 “(5) *For purposes of this paragraph—*

16 “(A) *the term ‘high-intensity sweetener’—*

17 “(i) *means any synthetic, naturally occur-*
 18 *ring, or modified non-nutritive sweetener that is*
 19 *not classified as sugar and is used as an ingre-*
 20 *dient in manufactured food, or sold on its own*
 21 *to be added to food; and*

22 “(ii) *includes acesulfame K, aspartame,*
 23 *advantame, cyclamates, monk fruit, neotame,*
 24 *saccharin, sucralose, stevia, and stevia deriva-*
 25 *tives;*

1 “(B) the term ‘sugar-sweetened beverage’—

2 “(i) means any beverage intended for
3 human consumption to which one or more ca-
4 loric sweeteners has been added and that con-
5 tains 25 or more calories per 12 fluid ounces of
6 beverage; and

7 “(ii) includes drinks and beverages com-
8 monly referred to as ‘soda’, ‘pop’, ‘cola’, ‘soft
9 drinks’, ‘sports drinks’, ‘energy drinks’, ‘slushies’,
10 ‘sweetened ice tea’, ‘fruit juice’, or any other
11 drinks and beverage, as determined by the Sec-
12 retary; and

13 “(iii) does not include—

14 “(I) any critical food, as defined in
15 section 201(ss);

16 “(II) any beverage designed as supple-
17 mental, meal replacement, or sole-source nu-
18 trition that includes proteins, carbo-
19 hydrates, and multiple vitamins and min-
20 erals;

21 “(III) 100 percent natural fruit or veg-
22 etable juice;

23 “(IV) any alcoholic beverage; or

24 “(V) any other product that the Sec-
25 retary determines appropriate; and

1 “(C) the term ‘ultra-processed food’—

2 “(i) means a food, including a beverage,
3 containing one or more industrial ingredients,
4 including surface-active agents, stabilizers and
5 thickeners, propellants, aerating agents and
6 gases, color and coloring adjuncts, emulsifiers
7 and emulsifier salts, flavoring agents and adju-
8 vants, flavor enhancers, surface-finishing, high-
9 intensity sweeteners, and other ingredients, as
10 the Secretary determines appropriate; and

11 “(ii) does not include—

12 “(I) any product that meets the defini-
13 tion of ‘healthy’ set forth in current regula-
14 tions promulgated by the Food and Drug
15 Administration;

16 “(II) any critical food, as defined in
17 section 201(ss); or

18 “(III) any other product that the Sec-
19 retary determines appropriate.

20 “(6) The Secretary shall promulgate regulations, as
21 appropriate, with respect to the labeling requirements under
22 subparagraphs (1), (2), (3), and (4), which may include—

23 “(A) information on minimum font size, spacing
24 in comparison to other required statements, and steps
25 to comply for products with small packaging;

1 “(B) information on how the labeling require-
2 ments may be applied to online retailers; and

3 “(C) additional information the Secretary deter-
4 mines to be necessary to assist with compliance with
5 the labeling requirements.”; and

6 (2) in paragraph (r)(2)(A)(vi), by inserting “,
7 including if the Secretary determines that the food is
8 high in added sugar, saturated fat, sodium, or any
9 other nutrient of concern (as determined by the Sec-
10 retary pursuant to paragraph (z)(4)), or if the food
11 contains high-intensity sweetener or is an ultra-proc-
12 essed food (as defined in paragraph (z)(5)(C))” before
13 the period at the end.

14 (b) ADVERTISING.—Section 301 of the Federal Food,
15 Drug, and Cosmetic Act (21 U.S.C. 331) is amended by
16 adding at the end the following:

17 “(jjj)(1) Marketing or advertising a food for which la-
18 beling is required under section 403(z), in a manner that
19 reasonably appears to be directed at children.

20 “(2) In determining whether any marketing or adver-
21 tising reasonably appears to be directed to children for pur-
22 poses of subparagraph (1), the Secretary shall consider the
23 totality of the circumstances, including whether such mar-
24 keting or advertising uses themes or promotional strategies
25 for food described in section 403(z) that appeal to children,

1 *such as the use of fun or fantasy themes, athletes and celeb-*
 2 *rities, cross-promotions using fictional characters, cartoon*
 3 *characters, social media influencers, animation, children’s*
 4 *music, actors, or situations representing children’s daily*
 5 *life, or free gifts or toys, contests, interactive games, or mo-*
 6 *bile or computer applications.”.*

7 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 8 *authorized to be appropriated to the Secretary of Health*
 9 *and Human Services such sums as may be necessary for*
 10 *each of fiscal years 2027 through 2031 for purposes of pro-*
 11 *mulgating regulations and carrying out enforcement activi-*
 12 *ties with respect to the labeling requirements under the*
 13 *amendments made by subsections (a) and (b).*

14 (d) *EFFECTIVE DATE.—The amendments made by this*
 15 *section shall take effect 1 year after the date of enactment*
 16 *of this Act.*

17 **SEC. 102. NATIONAL INSTITUTES OF HEALTH RESEARCH ON**
 18 **NUTRITION SCIENCE.**

19 *Part A of title IV of the Public Health Service Act*
 20 *(42 U.S.C. 281 et seq.) is amended by adding at the end*
 21 *the following:*

22 **“SEC. 404P. RESEARCH AND COLLABORATION ON NUTRI-**
 23 **TION SCIENCE.**

24 “(a) *IN GENERAL.—The Director of NIH shall, as ap-*
 25 *propriate, expand, intensify, and coordinate the activities*

1 *of the National Institutes of Health with respect to nutri-*
 2 *tion science, including basic and clinical research on—*

3 “(1) *the effects of food and dietary patterns, in-*
 4 *cluding ultra-processed foods, on health;*

5 “(2) *the effects of food processing, formulation,*
 6 *ingredients, and additives on health and food con-*
 7 *sumption;*

8 “(3) *the biological and health effects of food in-*
 9 *gredients and additives, including research to address*
 10 *gaps in available evidence;*

11 “(4) *the effects of food formulation and proc-*
 12 *essing on eating behavior, energy intake, and patterns*
 13 *of consumption, including relevant biological and be-*
 14 *havioral mechanisms; and*

15 “(5) *evidence-based approaches to improve nutri-*
 16 *tion and prevent or manage chronic disease related to*
 17 *diet.*

18 “(b) *COORDINATION AND STAKEHOLDER INPUT.—In*
 19 *carrying out this section, the Director of NIH shall coordi-*
 20 *nate, as appropriate, with the Commissioner of Food and*
 21 *Drugs and the heads of other relevant Federal agencies, and*
 22 *may consult with researchers, clinicians, patients, and*
 23 *other relevant stakeholders.*

1 “(c) *DEFINITION.*—In this section, the term ‘ultra-
2 processed food’ has the meaning given such term in section
3 403(z)(5) of the Federal Food, Drug, and Cosmetic Act.”.

4 **SEC. 103. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
5 **EDUCATION CAMPAIGN.**

6 Section 399Y of the Public Health Service Act (42
7 U.S.C. 280h–2) is amended—

8 (1) in the section heading, by inserting “**NUTRI-**
9 **TION AND PHYSICAL ACTIVITY PUBLIC**” before
10 “**EDUCATION CAMPAIGN**”;

11 (2) in subsection (a), by striking “, and in col-
12 laboration with” and all that follows through the pe-
13 riod at the end and inserting “and in coordination
14 with the Office of the Assistant Secretary of Health,
15 shall, as appropriate, conduct or support public edu-
16 cation activities concerning nutrition, physical activ-
17 ity, and the prevention of chronic disease related to
18 diet.”;

19 (3) by redesignating subsection (b) as subsection
20 (d);

21 (4) by inserting after subsection (a) the fol-
22 lowing:

23 “(b) *ACTIVITIES.*—Activities conducted or supported
24 under subsection (a) may include the dissemination of evi-
25 dence-based information concerning—

1 “(1) the health risks associated with obesity, in-
2 activity, and poor nutrition;

3 “(2) the relationship between nutrition, physical
4 activity, and chronic disease;

5 “(3) the use of nutrition information, including
6 information provided on food labels, to inform dietary
7 choices; and

8 “(4) strategies to support healthy eating and
9 physical activity.

10 “(c) COORDINATION.—In carrying out this section, the
11 Secretary may coordinate with other relevant Federal agen-
12 cies and consult with State, local, and Tribal public health
13 agencies, health professionals, and other relevant stake-
14 holders, as appropriate.”; and

15 (5) in subsection (d), as so redesignated, by
16 striking “2001 through 2005” and inserting “2027
17 through 2031”.

18 **TITLE II—FEDERAL TRADE** 19 **COMMISSION**

20 **SEC. 201. DEFINITIONS.**

21 *In this title:*

22 (1) *CHILD*.—The term “child” means an indi-
23 vidual who is under the age of 13.

(2) *CHILD-DIRECTED ADVERTISING.*—*The term “child-directed advertising” means any advertisement—*

(A) that uses themes or promotional strategies that appeal to children, which may include the use of—

(i) fun or fantasy themes, cartoon characters, social media influencers, animation, endorsements by celebrities and athletes, cross-promotions using fictional characters, children’s music, actors, or situations representing children’s daily life; or

(ii) free gifts or toys, contests, interactive games, or mobile or computer applications; or

(B) in media for which children comprise at least 30 percent of the audience, as determined by the Commission, that is displayed using—

(i) traditional measured media, such as television, radio, and printed media; or

(ii) electronic media, content created by influencers, online videos, company-sponsored websites, social media, movies, and video games.

1 (3) *COMMISSION.*—*The term “Commission”*
 2 *means the Federal Trade Commission.*

3 (4) *JUNK FOOD.*—*The term “junk food” means*
 4 *products with labeling requirements described in sub-*
 5 *paragraph (1), (2), (3), or (4) of paragraph (z) of sec-*
 6 *tion 403 of the Federal Food, Drug, and Cosmetic Act*
 7 *(21 U.S.C. 343), as added by section 101(a) of this*
 8 *Act.*

9 **SEC. 202. RESTRICTIONS ON ADVERTISEMENTS FOR JUNK**
 10 **FOOD DIRECTED AT CHILDREN; REQUIRED**
 11 **DISCLOSURE OF ANY HEALTH AND NUTRIENT**
 12 **WARNING LABEL IN ADVERTISEMENTS.**

13 (a) *MARKETING OR ADVERTISING JUNK FOOD TO*
 14 *CHILDREN.*—

15 (1) *IN GENERAL.*—*It shall be unlawful for any*
 16 *person to market or advertise, or produce or dis-*
 17 *tribute any advertisement or marketing material for,*
 18 *junk food by using child-directed advertising.*

19 (2) *CONSIDERATIONS.*—*In determining whether*
 20 *any marketing or advertising uses child-directed ad-*
 21 *vertising for purposes of subparagraph (A), the Com-*
 22 *mission shall consider the totality of the cir-*
 23 *cumstances.*

24 (b) *REQUIRED DISCLOSURE.*—*It shall be unlawful for*
 25 *any person to market or advertise, or produce or distribute*

1 *any advertisement or marketing material for, junk food*
 2 *without including in such advertisement or marketing ma-*
 3 *terial the relevant mandatory health or nutrient warning*
 4 *label or notice described in section 403(z) of the Federal*
 5 *Food, Drug, and Cosmetic Act (21 U.S.C. 343(z)).*

6 *(c) EFFECTIVE DATE.—The prohibitions established in*
 7 *this section shall take effect on the date that is 1 year after*
 8 *the date of enactment of this Act.*

9 *(d) ENFORCEMENT BY THE COMMISSION.—*

10 *(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—*
 11 *A violation of this section or a regulation promul-*
 12 *gated under this section shall be treated as a violation*
 13 *of a rule defining an unfair or deceptive act or prac-*
 14 *tice under section 18(a)(1)(B) of the Federal Trade*
 15 *Commission Act (15 U.S.C. 57a(a)(1)(B)).*

16 *(2) POWERS OF THE COMMISSION.—*

17 *(A) IN GENERAL.—Except as provided in*
 18 *subparagraph (C), the Commission shall enforce*
 19 *this section in the same manner, by the same*
 20 *means, and with the same jurisdiction, powers,*
 21 *and duties as though all applicable terms and*
 22 *provisions of the Federal Trade Commission Act*
 23 *(15 U.S.C. 41 et seq.) were incorporated into*
 24 *and made a part of this section.*

1 (B) *PRIVILEGES AND IMMUNITIES.*—*Except*
2 *as provided in subparagraph (C), any person*
3 *who violates this section or a regulation promul-*
4 *gated under this section shall be subject to the*
5 *penalties and entitled to the privileges and im-*
6 *munities provided in the Federal Trade Commis-*
7 *sion Act (15 U.S.C. 41 et seq.).*

8 (C) *COMMON CARRIERS.*—*Notwithstanding*
9 *section 4, 5(a)(2), or 6 of the Federal Trade*
10 *Commission Act (15 U.S.C. 44, 45(a)(2), 46) or*
11 *any jurisdictional limitation of the Commission,*
12 *the Commission shall also enforce this Act, in the*
13 *same manner provided in subparagraphs (A)*
14 *and (B), with respect to common carriers subject*
15 *to the Communications Act of 1934 (47 U.S.C.*
16 *151 et seq.) and Acts amendatory thereof and*
17 *supplementary thereto.*

18 (D) *AUTHORITY PRESERVED.*—*Nothing in*
19 *this section shall be construed to limit the au-*
20 *thority of the Commission under any other pro-*
21 *vision of law.*

22 (E) *RULEMAKING.*—*The Commission shall*
23 *promulgate in accordance with section 553 of*
24 *title 5, United States Code, such rules as may be*
25 *necessary to carry out this section.*

1 **SEC. 203. RESTORING THE FEDERAL TRADE COMMISSION'S**
2 **ABILITY TO PROMULGATE RULES ON CHIL-**
3 **DREN'S ADVERTISING.**

4 (a) *IN GENERAL.*—Section 18(h) of the Federal Trade
5 Commission Act (15 U.S.C. 57a(h)) is repealed.

6 (b) *CONFORMING AMENDMENT.*—Section 18(a)(1) of
7 such Act is amended in the matter preceding subparagraph
8 (A), by striking “Except as provided in subsection (h), the
9 Commission” and inserting “The Commission”.

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119TH CONGRESS
2^D Session

S. 5026

A BILL

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing high-intensity sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children.

JULY 28, 2026

Reported with an amendment