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MAHA Food Strategy Puts Chemicals, Dyes, GRAS and Kids' Marketing Under the Microscope

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The Make America Healthy Again (MAHA) Commission released the **Make Our Children Healthy Again Strategy** (MAHA Strategy) this week. Consistent with the MAHA Strategy's overall theme of increasing transparency and trust with the American public, the Department of Health and Human Services (HHS) and the Food and Drug Administration (FDA) plan to take several key actions in the food space, including reforming the process for establishing food that is Generally Recognized as Safe (GRAS), placing limits on marketing to children and taking a continued hard look at colors, food additives and chemicals already in the food supply.

GRAS reform

In March 2025, **HHS Secretary Robert F. Kennedy, Jr.** directed FDA to explore ways to eliminate the self-affirmed GRAS pathway, which currently allows companies to declare ingredients safe without FDA oversight. As expected, the strategy confirms that FDA will "update regulations to reform the GRAS designation," aiming to close the "GRAS loophole." In accordance with the strategy, FDA shall "[implement] a mandatory GRAS notification program" and "[increase] consumer transparency" around substances in the food supply.

Guidelines to limit the direct marketing of certain foods to children

While the changes to the GRAS pathway were expected, the strategy introduces at least one initiative that had not been announced outside of the assessment and strategy published by the MAHA Commission – restrictions on food marketing to kids. Specifically, the strategy directs "HHS and FTC, along with other relevant agencies, [to] explore the development of potential industry guidelines" aimed at limiting "the direct marketing of certain unhealthy foods to children," including "evaluating the use of misleading claims and imagery."

While the Federal Trade Commission (FTC) has previously evaluated food advertising to children, it has not made enforcement in this space a priority in recent years. This strategy signals renewed federal interest in coordinated efforts to address marketing practices affecting children, and in this way, aligns with the **strategy's focus to curtail misleading direct-to-consumer pharmaceutical advertising** as well.

As this is a newly announced initiative for the MAHA movement, several details are still in development. For example, the phrase "certain unhealthy foods" suggests the guidelines may target a subset of foods that meet a yet-to-be announced definition of "unhealthy." This definition, and those for other key terms, will shape the guidelines and the specific foods impacted by this strategy. If HHS follows the usual course here, industry should have an opportunity to provide comments on these definitions, which is a recommended course so that the new guidelines account for all stakeholder considerations.

Food dyes and chemical additive reviews

Finally, as expected, the strategy explains that FDA will “continue to advance and implement policies to limit or prohibit the use of petroleum-based food dyes (FD&C certified colors) in all food products approved in the U.S.,” and “continue to expedite its review and approval of color additive petitions for colors from natural sources and explore ways to provide greater flexibility in connection with the use of ‘no artificial color’ and other labeling claims.”

In addition, the strategy calls on FDA to monitor chemical additives in the food supply, stating that FDA will “continue to develop and implement an enhanced evidence-based systematic process for the post-market assessment of chemicals in food.” This aligns with actions the agency has already taken – most notably, the **revised review process** launched in May 2025 for food chemicals already on the market. The May launch marked a notable shift in when FDA initiates reviews – moving away from a reactive model that relied on citizen petitions or new scientific evidence to prompt action, toward a proactive approach that provides for more systematic and routine review by FDA of chemicals already in the food supply.

The broader trend emerging from these actions is an FDA prioritizing what it views as safer, more natural alternatives. Additionally, the agency’s exploration of greater flexibility around the use of the “no artificial color” claim suggests that products using petroleum-free dyes, for example, may be able to make this claim through additional regulatory flexibility and/or a shift in enforcement priorities.

The Cooley team, led by former FDA enforcement attorneys, is here to help. If you have any questions regarding your company’s food products, please reach out to one of us.

Key Contacts

Sonia Nath Washington, DC	snath@cooley.com +1 202 776 2120
Laura Akowuah Washington, DC	lakowuah@cooley.com +1 202 728 7014
Auguste Humphries Washington, DC	ahumphries@cooley.com +1 202 776 2004