



Sustainable Food Policy Alliance
1299 Pennsylvania Ave NW, Floor 12
Washington, DC 20004
info@foodpolicyalliance.org
(202) 337-0808

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Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human
Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20

RE: Docket No. FDA-2025-N-1793-0001: “Ultra-Processed Foods; Request for Information”; Docket No. USDA_FRDOC_0001-3215: “Ultra-Processed Foods; Request for Information”

Secretary Kennedy and Secretary Rollins,

Sustainable Food Policy Alliance (SFPA) member companies Danone North America, Mars, Incorporated, Nestlé USA and Unilever United States appreciate the opportunity to review and comment on the Food and Drug Administration and U.S. Department of Agriculture’s “Ultra-Processed Foods; Request for Information.”

SFPA is committed to developing and advocating for policies that encourage and support healthy eating behaviors to enable all Americans to live healthy lives. Unfortunately, many Americans are consuming too few encouraged food groups and beneficial nutrients and too many energy-dense, nutrient-poor foods. We support transparent, science- and evidence-based efforts, done in conjunction with the full range of stakeholders, to address these concerns. The goal of any action should be reducing chronic disease and improving health without creating unintended consequences for the safety of the food supply or adding to consumer confusion.

As steps are taken to improve American diets, we specifically ask that the federal government:

- (1) Focus efforts on where the scientific evidence base is strongest: encouraging greater consumption of nutrient-dense foods.

- (2) Use and improve existing frameworks for evaluating the safety of food ingredients.
- (3) Conduct reliable scientific research into the many variables that inform the concept of so-called “ultra-processed foods (UPFs)” with an emphasis on isolating variables to understand their potential contributions to nutrition and health.

Focus efforts on where the scientific evidence base is strongest: encouraging greater consumption of nutrient-dense foods.

The totality of the scientific evidence should guide work to improve American diets. As the federal government considers how to improve the health of Americans, it should base policies on where the current body of scientific evidence is most clear: that greater consumption of nutrient-dense foods is beneficial to health. Policy actions should center on promoting foods and recipes with high beneficial nutrient content, appropriate portion size and other positive attributes (e.g., cultures, fortification) that support long-term health. Applying oversimplified and generalized terminology, like “ultra-processed” to a large swath of processed foods ignores nuances of key nutrient-dense products and may result in unintentional negative impacts to Americans’ health. However, focusing on nutrient-dense foods allows for greater flexibility across food types, price points, dietary needs and cultural preferences—empowering consumers to maintain healthy diets in ways that are accessible and sustainable.

The federal government has existing tools to help improve the diets of Americans. These tools include targeted consumer education related to the Nutrition Facts Panel, Dietary Guidelines for Americans, “Healthy” label claim, food additive approval and reassessment processes and USDA child nutrition programs. These tools, among others available to the government, can improve consumer awareness about crucial nutritional information without compromising an individual’s personal choices and needs in making dietary decisions.

Use and improve existing frameworks for evaluating the safety of food ingredients.

FDA also has a number of existing regulatory tools for evaluating the safety of food ingredients, and these tools should remain the primary means for addressing concerns about food ingredients. As credible science evolves, if concerns arise on the sufficiency of the frameworks for evaluating safety, evidence-based frameworks can and should be expanded based on additional reliable research and a transparent, public process.

Conduct reliable scientific research into the many variables that inform the concept of so-called “UPFs” with an emphasis on isolating variables to understand their potential contributions to nutrition and health.

Any work to develop a definition around “UPF” should be based in science. Rather than defining “UPF” and then conducting more research on that definition, the scientific research process must be used to determine whether such a definition or concept even has merit. Before arriving at a single definition of “UPF,” it is essential to study which factors (nutrient or ingredient content, processing, etc.), if any, could have a biological impact that might be used to create meaningful categories. This process must be based in rigorous experimental design and be inclusive of a wide variety of expert stakeholders.

The federal government should prioritize research to address significant remaining questions, which could inform whether additional policy development is appropriate. Programs such as the FDA-National Institutes of Health Nutrition Regulatory Science Program, the National Health and Nutrition Examination Survey (NHANES), and government food databases have the ability to build on available scientific information. Additional research may be valuable on the following issues:

- The potential impact of specific food attributes (e.g., individual ingredient function, daily intake and usage level, nutrition profile, energy density, food texture and others) on consumption and the potential subsequent impact on health in the medium to long term.
- The potential impact of specific processing methods on the properties of foods (nutritional, structural, texture etc.), and their subsequent potential impact on consumer health.
- The current and potential role of packaged foods in increasing intakes of recommended foods such as vegetables, fruits, nuts, pulses and legumes; and nutrients such as fiber—as well as addressing micronutrient deficiencies in the American population, including through fortification.
- How to best provide information to consumers to assist them in making decisions around food selection and diet that support improved health outcomes while also avoiding any unintended consequences or alienation of consumers towards nutrient-dense food groups.

There are several underlying efforts that would be beneficial in supporting these areas of research. These include:

- Improving food databases and dietary surveys (e.g., NHANES) to refine and update information on consumption patterns and food composition.
- Promoting frameworks for experimental design that help isolate variables of interest. For example, studies could be conducted with baseline diets that then add

additional variables at realistic levels of exposure to determine what impact, if any, they have.

- Ensuring that a wide variety of stakeholders with a range of expertise (e.g., nutrition, food science and behavioral science) are included in study design planning.

If, after further research, the agencies intend to develop a definition of “UPFs,” particularly for use in policymaking, it is critical that any such definition be developed through the notice-and-comment rulemaking process consistent with the Administrative Procedure Act. Given the complexity and significance of the scientific, legal and regulatory issues at play and their impact on the food and beverage industry, stakeholders must be given a meaningful opportunity to review and comment on any proposed work in this space and such work must be part of the administrative record. Further, use of notice-and-comment rulemaking for a potential definition is consistent with Secretary Kennedy’s stated goal of transparency.

As food companies serving millions of consumers, we believe that robust federal guidance and action is essential for improving consumers’ health outcomes and maintaining public confidence in the safety and affordability of our food system. Given what is at stake, we must ensure these policies and actions are shaped by the best science and evidence in order to best help Americans consume a more healthful diet. At this juncture, it’s clear that more research is needed on the range of concepts that have been generalized into the broad concept of “UPF.”

We appreciate the efforts from FDA and USDA to work with stakeholders as it considers additional tools to boost nutritional outcomes and look forward to continuing to work with you through this process.

Sincerely,

Sustainable Food Policy Alliance