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Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Ultra-Processed Foods; Request for Information (Docket No. FDA-2025-N-1793)

The National Restaurant Association appreciates the opportunity to provide comments to the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) on the request for information regarding ultra-processed foods (UPFs).

The Association strongly supports the Administration's mission to improve public health outcomes and reduce diet-related diseases. Restaurants share this commitment and stand ready to partner with FDA and USDA to develop practical, science-based policies that promote healthier choices for consumers while maintaining operational feasibility for businesses. We believe a collaborative approach is the best path forward. This means one that prioritizes consumer understanding, encourages innovation, and ensures continued access to nutritious and affordable meals.

Founded in 1919, the National Restaurant Association is the leading business association representing the U.S. restaurant and foodservice industry, which encompasses over 1 million establishments and a workforce of 15.7 million employees. In 2025, the industry generated \$1.5 trillion in sales, making it a cornerstone of the American economy and one of its most critical sources of employment—employing one in every ten U.S. workers.

Additionally, nearly 90% of restaurants employ fewer than 50 people, underscoring the sector's role in driving local economies. Today, restaurants serve nearly every county in the U.S. and rank as the nation's second-largest private employer.

ROLE OF PROCESSING IN FOODSERVICE

Restaurants serve millions of Americans every day, providing meals that are safe, affordable, and enjoyable. Operating in real time, restaurants rely on a mix of fresh, minimally processed, and prepared ingredients to meet consumer expectations for flavor, nutrition, and convenience.

Processing techniques used in restaurants are not intrinsically detrimental and often serve important roles such as:

- Ensuring food safety and shelf stability (critical for high-volume kitchens)
- Reducing food waste by extending ingredient usability
- Improving nutrient delivery and consistency across locations
- Cost savings in both ingredients and labor, which helps maintain affordability for consumers

These functions position processing as a facilitator of healthier food options, rather than a barrier to them. Restaurant recipes are often developed and refined over many years to meet consumer expectations. Imposing broad, rapid changes can risk operational disruption and significant financial strain. This is especially true for small and independent operators, for whom reformulating or redesigning menus may be impractical without substantial time, resources, and investment.

Additionally, restaurants have long demonstrated leadership in improving nutrition. Many menu items already meet recognized benchmarks such as the Kids LiveWell program or the Dietary Guidelines for Americans. In fact, processing is often the tool that makes reformulation possible, from lowering sodium in soups to fortifying breads with whole grains. Public policy must recognize and encourage these ongoing improvements rather than disincentivize them through overly broad classifications.

It is also important to distinguish between beneficial processes (e.g., fermentation, pasteurization, drying) that enhance safety and nutrition, versus processes that may raise concern (e.g., hydrogenation, chemical reconstitution). This distinction provides FDA and USDA with a clearer, science-based framework for regulation, rather than treating all “processing” as inherently negative.

LIMITATIONS OF CURRENT UPF DEFINITIONS

Ultra-processed foods (UPFs) are not a uniform category; they vary significantly in composition, nutritional profile, and health impact. Several global classification systems—such as NOVA, IARC, IFIC, and UNC—attempt to categorize foods based on degree of processing. However, these frameworks carry significant limitations. They often overlook the purpose of processing and the nutrient contribution of foods, leading to misclassification of items that are nutrient-dense and aligned with dietary guidelines.

For example, breads, tortillas, and sauces may technically fall under “ultra-processed” definitions, yet they play a vital role in providing accessible, nutrient-rich meals. Many restaurant foods use limited processing to reduce sodium, lower saturated fat, or boost fiber and protein—changes that support federal nutrition goals. In fact, processing is often the tool that makes reformulation possible.

A veggie omelet made with pasteurized eggs, a breakfast burrito with a whole wheat tortilla, or a kid’s yogurt parfait could all be labeled “ultra-processed” under NOVA. Likewise, a grab-and-go salad with packaged dressing, a turkey chili made with canned beans, or a flat bread topped with reduced-fat cheese and vegetables may be classified the same way—even though these meals deliver essential nutrients that align with federal nutrition targets, and reflect consumer demand for healthier options. Processing enables these improvements; it does not undermine them.

Blanket categorizations, such as those used in the NOVA system, fail to account for these nuances, especially in restaurant settings where vendor-supplied ingredients may lack full transparency. Mandates based solely on processing level could create compliance challenges, drive up costs, increase waste, and disrupt supply chains built for safety and consistency.

Moreover, a processing-based framework could encompass up to 80% of the U.S. food supply, including many foods currently recommended by the Dietary Guidelines for Americans. Such a broad definition risks misleading consumers, destabilizing markets, and stigmatizing foods that contribute meaningfully to public health.

Overly broad UPF classifications could also create inconsistencies with existing programs like SNAP, WIC, school meals, and front-of-pack labeling. In addition to operational disruption, vague definitions would expose restaurants and suppliers to litigation risk, including costly class-action lawsuits and mislabeling claims.

Regulatory approaches must also account for the operational realities of independent restaurants and small businesses, which often lack the financial and staffing resources of large chains. A one-size-fits-all system risks placing disproportionate burdens on these operators, who may struggle to absorb the costs of reformulation, menu redesign, or compliance with complex new standards. Without flexibility and tailored support, such policies could

unintentionally stifle innovation, reduce menu diversity, and limit access to affordable, nutritious options, especially in communities where small restaurants play a vital role in the food ecosystem.

Poorly tailored definitions also risk narrowing SNAP/WIC eligibility, creating conflicting criteria for school meal standards, and penalizing fortified or reformulated products (such as whole-grain breads or plant-based proteins) that currently support public health goals. These unintended consequences would undercut the very populations federal nutrition programs are designed to serve.

Finally, recommendations to simply “avoid UPFs” risk stigmatizing foods that are convenient, safe, and nutritionally beneficial. A sandwich made with lean protein, vegetables, and whole-grain bread may be classified as “ultra-processed,” but it delivers essential nutrients that people rely upon.

Therefore, any UPF guidance must differentiate by nutrient quality, encourage continuous menu innovation, and recognize the diversity of restaurant offerings, including scratch cooking.

A MORE PRACTICAL, NUTRIENT-BASED FRAMEWORK

A more effective approach would focus on nutrient contribution rather than processing level alone. Colombia’s nutrient-threshold tax model offers a compelling precedent, demonstrating that nutrient-based criteria are more practical, measurable, and science-driven. This strategy allows policymakers to align with dietary guidance while avoiding regulatory overreach.

Rather than processing-based definitions, FDA and USDA should consider nutrient-based frameworks tied to measurable thresholds already reflected in the Nutrition Facts Panel and Menu Labeling, such as sodium, added sugars, fiber, and saturated fat. This approach provides objective, standardized, and familiar benchmarks for regulators, operators, and consumers alike.

Any future framework should also clearly distinguish between ingredient functions. Micro-quantities of stabilizers, enzymes, or emulsifiers used for safety or preservation should not be equated with ingredients like excess sugars or fats that increase energy density. Similarly, the order of ingredients on a label should not, by itself, determine whether a food is considered ultra-processed.

Flavors and colors also deserve nuanced consideration. A distinction must be made between cosmetic uses (e.g., enhancing visual appeal) and functional uses (e.g., ensuring consistency, palatability, or stability). Additionally, functional additives fall under FDA oversight and should not be stigmatized when they serve a clear safety or quality role.

Finally, current research linking UPFs to adverse health outcomes is largely observational, often relying on dietary recall and fail to establish causation. Many of these correlations reflect broader lifestyle and socioeconomic factors rather than the effects of processing itself. Therefore, before codifying any regulatory definitions, more rigorous, longitudinal research is essential.

In sum, any classification system must reflect U.S.-based science, dietary guidance, and the realities of modern food production. Only then can we ensure that public health policy is both effective and equitable.

ADDRESSING STATE-LEVEL DEFINITIONS AND CONSUMER IMPACT

UPF classification approaches, such as California’s Assembly Bill 1264, that focus primarily on ingredient lists and nutrients to limit (e.g., saturated fat, sodium, and added sugars) fail to capture the full nutritional value a food

contributes. Many nutrient-dense foods may contain modest levels of these nutrients yet play a critical role in improving diet quality.

For example, under California’s definitions, where foods are labeled as ultra-processed if they contain 10% or greater of total energy from saturated fat or added sugars, or a sodium-to-calorie ratio equal to or greater than 1:1, many culturally relevant and nutritionally balanced restaurant foods, such as salsas, marinades, or whole-grain tortillas, could be labeled as “ultra-processed.” These dishes often rely on naturally occurring sodium or traditional preparation methods essential for safety, preservation, and flavor — not as a means of reducing nutritional value.

Such frameworks risk misclassifying foods like salsa made from diced tomatoes, onions, herbs, and oil—culinary preparation methods that are standard in restaurant kitchens—as “processing.” Conflating culinary, cooking, and preservation techniques with industrial processing would erode consumer trust and create widespread confusion.

The Association urges FDA and USDA to differentiate clearly between “processing” and “culinary preparation.” Everyday restaurant methods such as marinating, blending, and roasting must not be equated with the use of industrial additives or chemical reconstruction.

Ultimately, a definition that overreaches risks stigmatizing nutritious foods, distorting consumer understanding, and undermining dietary guidance. A practical, nutrient-based approach would better inform consumers, preserve culinary traditions, and ensure regulatory clarity.

Finally, concepts like “palatability” and “energy density” are subjective and culturally variable. They should not be used as stand-alone classifiers as they risk drifting into unmeasurable or inconsistent criteria that undermine regulatory clarity.

ECONOMIC & INNOVATION IMPACTS

The restaurant industry represents one of the nation’s most critical economic engines, employing one in ten U.S. workers and generating \$1.5 trillion in sales annually. Overly rigid definitions that equate processing with poor nutrition would discourage innovation, undermine consumer choice, and reduce U.S. competitiveness in the global food marketplace.

Additionally, restaurants play a vital role in helping Americans access balanced meals outside the home. For many, restaurants provide the most practical source of nutritious, affordable, and appealing food. This is especially important in the current economic climate, where food costs have gone up by 40% in the last five years. Federal policy must recognize the affordability pressures facing both consumers and operators.

Processing innovations—such as fortification, sodium reduction, and reformulated breads or sauces—expand access to affordable, nutrient-dense foods and align with public health goals. Having a narrow definition could lead to increased food costs, further straining household budgets and limiting access to healthier options. Federal policy should support these advancements rather than penalize them under sweeping classifications.

RECOMMENDATIONS FOR FDA & USDA

- Definitions must reflect U.S.-based research and avoid undermining dietary guidance that promotes nutrient-dense foods.
- Guidance should explicitly recognize the unique role of restaurants, where processing enables food safety, efficiency, and nutritional improvement.

- Classification systems should focus on nutrient contribution rather than processing level alone.
- Explicitly differentiate between ingredient functions (e.g., flavors and colors used for safety, stability, or palatability vs. cosmetic enhancements).
- Distinguish between beneficial processing methods (fermentation, pasteurization, drying) and more problematic ones (hydrogenation, chemical reconstitution) to avoid overbroad treatment of “processing.”
- Avoid subjective criteria such as “palatability” or “energy density” as stand-alone classifiers.
- Safeguard against unintended consequences for programs like SNAP, WIC, and school meals, ensuring fortified and reformulated foods that deliver key nutrients are not unfairly penalized.
- Commission additional research to build a more robust evidence base before codifying definitions.
- Any definitions must be practical for restaurant operators to implement, given the realities of ingredient sourcing and menu development timelines.

We strongly urge FDA and USDA to adopt a transparent, collaborative, and science-driven process when developing guidance related to ultra-processed foods. It is essential that restaurant operators, suppliers, and nutrition experts are meaningfully engaged to ensure that any recommendations are not only grounded in evidence, but also aligned with consumer needs and operational realities.

Without this collaboration, policies risk being impractical, disruptive, and out of step with the diverse food environments in which Americans eat. Feasibility and flexibility must be central to any regulatory approach.

CONCLUSION

The restaurant industry is committed to supporting science-based, transparent policies that improve public health without penalizing innovation or consumer choice. We urge FDA and USDA to adopt an approach that differentiates nutrient-dense restaurant foods from nutrient-poor UPFs and avoids unintended consequences for consumer perception, affordability, and access.

Restaurants are, above all, consumer-driven businesses. Our guests expect food that is safe, delicious, and supports their health goals. The restaurant industry wants to be part of the solution in helping Americans make informed choices through transparent, meaningful information, not oversimplified labels. We urge FDA and USDA to prioritize clarity for consumers, practicality for operators, and alignment with the nation’s broader public health goals.

Respectfully submitted,

A handwritten signature in black ink that reads "Laura Abshire".

Laura Abshire
Director of Food and Sustainability Policy
National Restaurant Association