FDA MAHA Updates: “No Artificial Color” Claims and a New Preservative Safety Reassessment

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At the outset of 2026, FDA announced a series of “priority deliverables” for 2026 as part of its Human Foods Program’s (HFP) “critical role in implementing the Trump Administration and HHS Secretary Robert F. Kennedy, Jr.’s goal of Making America Healthy Again (MAHA).” Initiatives to be launched or expanded in 2026 include removing petroleum-based dyes in favor of dyes from natural sources, rigorously reviewing and banning, if appropriate, food additives with safety concerns, reforming FDA regulations to “more effectively regulate the safety of food substances and increase transparency,” and creating a Front of Package nutrition labeling program “that will help consumers quickly and easily identify healthier dietary choices.” These objectives track closely with key priorities outlined in the MAHA Commission’s Strategy Report.

More recently, last month, FDA took two specific actions to advance those goals: (1) announcing a change in its longstanding policy prohibiting “no artificial color” claims where any ingredient functions as a color additive; and (2) initiating a comprehensive safety re-assessment of the food chemical butylated hydroxyanisole (BHA).

FDA’s New Position on “No Artificial Colors” Claims

FDA announced last month a significant change in how it will approach voluntary “no artificial colors” claims, signaling increased flexibility for companies seeking to highlight the use of colors derived from natural sources. Longstanding FDA policy has treated any ingredient that functions as a color additive as an “artificial color,” regardless whether it was derived from synthetic or natural sources. FDA regulations define a color additive as any dye, pigment, or other substance (regardless of source) that can impart color to a food, drug, or cosmetic or to the human body, and further define the term “artificial color” as encompassing “any color additive.” Under this framework, even colors derived from fruits, vegetables, or other natural sources were technically treated as “artificial” for labeling purposes. As a result, companies faced challenges when seeking to highlight their use of colors derived from natural sources.

In its recent announcement, FDA acknowledged that this interpretation may be confusing to consumers and has created challenges for companies seeking to explore alternative food coloring options. As such, the agency announced that it will exercise enforcement discretion for certain voluntary “no artificial colors” claims and issued a letter to industry explaining how it intends to exercise enforcement discretion. Specifically, FDA stated that it does not intend to take enforcement action regarding the following claims provided that the foods do not contain any FD&C certified

colors listed in 21 CFR part 74:

- Made without artificial food colors/colorings
- No artificial color/colors/coloring
- No added artificial color/colors/coloring

At the same time, FDA continues to expand the universe of approved color additives that are derived from natural sources as part of its ongoing efforts to phase out petroleum-based food dyes. As part of the same announcement, FDA granted two additional color additive petitions, approving beetroot red as a new color option and expanding the permitted uses of spirulina extract. These approvals follow four earlier petitions granted in recent months for colors derived from natural sources.

FDA Review of BHA for Food Safety

Just days later, FDA announced another MAHA aligned development: the initiation of a comprehensive safety re-assessment of butylated hydroxyanisole (BHA), a chemical commonly used as a food preservative to prevent spoilage of fats and oils.

The FDA listed BHA as Generally Recognized as Safe (GRAS) in 1958 and approved it as a food additive in 1961. FDA officials have indicated that if BHA fails to meet current safety standards, the agency will take actions to remove it from the food supply. FDA has also signaled that other approved additives, including butylated hydroxytoluene (BHT) and azodicarbonamide, may be subject to similar scrutiny in the near future.

Key Takeaways for Companies

FDA's recent enforcement position around "no artificial colors" represents a significant departure from its prior position, under which "no artificial colors" claims were prohibited for products containing any color additive, and reflects an evolution in the agency's approach to ingredient and color regulation. Although FDA's new position provides greater flexibility, companies should continue to proceed with caution when considering ingredient-based claims as it remains to be seen how the plaintiff's bar and courts will account for the announcement.

Additionally, FDA's re-assessment of BHA underscores that ingredients historically viewed as GRAS may be subject to scrutiny in the near future. FDA has signaled skepticism of certain food chemicals and a willingness to revisit approvals made decades ago as part of its MAHA-driven approach to food safety. Companies should consider the potential implications for formulations and supply chains as additional reviews are initiated. State regulators also continue to separately regulate food ingredients and colors independently of FDA and have led the way in passing new legislation on certain ingredients and ultra-processed foods (see our recent blog post discussing developments in West Virginia).

As MAHA continues to shape federal and state food policy, we expect to see more FDA and state activity in this area. Businesses that act early and closely follow legislative and regulatory enforcement trends will be better positioned to navigate these changes. Companies should also carefully assess claim language in light of their product formulations and coordinate closely with advertising counsel when making claims about their ingredients.