U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
FOOD AND DRUG ADMINISTRATION

Second Supplement to Petition for Prohibition of
Misleading Labeling of Sweeteners; and
Second Supplemental
Request for Promulgation of Regulations

Docket No. FDA-2020-P-1478

Submitted by
The Sugar Association
August 20, 2026

Executive Summary

The Sugar Association submitted a Petition for Prohibition of Misleading Labeling of Sweeteners and Request for Enforcement Action to the U.S. Food and Drug Administration (FDA) in June 2020[1], and a First Supplement in March 2022[2], to increase transparency about the use of sweeteners on food labels and to halt misleading claims about added sugars content. To the best of our knowledge, FDA has not taken any substantive action on this petition in the five years since its submission, notwithstanding an interim response in November 2020.

The regulatory and public health landscape has changed materially since the First Supplement was filed in 2022, and the marketplace concerns have only been exacerbated over the past four years. The Make America Healthy Again (MAHA) initiative, led by the Department of Health and Human Services, has placed food ingredient transparency at the center of the federal public health agenda. HHS Secretary Robert F. Kennedy Jr. has publicly committed to additional ingredient transparency and has launched efforts to review the safety of ingredients in food. Multiple states, including California, Louisiana, Texas, West Virginia, and New York, have enacted or are advancing legislation requiring ingredient-level disclosures precisely because for decades FDA has failed to act on providing the transparency Americans want.

The Petitioner submits this Second Supplement to:

- Update FDA on continuing and increasing marketplace violations since the First Supplement was filed in March 2022;
- Present new evidence that the problems identified in the original petition and First Supplement have intensified;
- Demonstrate that the MAHA regulatory framework creates an affirmative policy basis and institutional momentum for the actions requested herein; and,

[1] https://www.regulations.gov/docket/FDA-2020-P-1478
[2] https://www.regulations.gov/document/FDA-2020-P-1478-0226

- Renew the request that FDA propose and promulgate final regulations under 21 C.F.R. § 101 requiring complete, accurate, and transparent alternative sweetener labeling.

The Petitioner's requests, first made in 2020 and reiterated in 2022, have only grown more urgent. The agency's continued inaction is inconsistent with its statutory mandate and with the express food transparency priorities of the current Administration.

The original Petition and First Supplement used the term "alternative sweeteners" to refer to substances that provide sweetness to food and beverage products when caloric sweeteners are reduced or replaced. That definition included low and non-caloric sweeteners, including sugar alcohols. For the purposes of this Second Supplement and consistent with its common use by FDA, the term "sweeteners" is used.[3] Generally, these terms refer to substances that provide sweetness to food and beverage products and contain little, or no, caloric value. They are used in place of, or in addition to, added sugars, as defined by FDA in 21 C.F.R. § 101.9(c)(6)(iii).[4] When citing other scientific sources, the Second Supplement will use the term in the source material.

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[3] https://www.fda.gov/consumers/consumer-updates/how-sweet-it-all-about-sweeteners
[4] Food Labeling: Revision of the Nutrition and Supplement Facts Labels, 81 Fed. Reg. 33,742 (May 27, 2016) (codified at 21 C.F.R. § 101.9(c)(6)(iii)).

VIII. Certification

APPENDICES

I. Introduction

On June 3, 2020, The Sugar Association ("the Association" or "Petitioner") submitted a petition pursuant to Section 4(d) of the Administrative Procedure Act, 5 U.S.C. §553, and 21 CFR §§10.25 and 20.30 requesting that the U.S. Food and Drug Administration ("FDA") take action to ensure that consumers are provided truthful and non-misleading information about the presence and potential side effects of sweeteners in foods. On March 8, 2022, the Petitioner filed a First Supplement, providing additional consumer research, updated market data, and requesting promulgation of formal regulations amending 21 C.F.R. § 101.

FDA issued an interim response on November 30, 2020[5], indicating that it had not been able to reach a decision within the first 180 days "because of other agency priorities and the limited availability of resources." To the best of the Petitioner's knowledge, no further substantive response has been issued in the more than six years since the original petition was filed.

The Petitioner is submitting this Second Supplement to update FDA on the erosion in marketplace conditions, to present new factual and policy grounds for the actions requested, and to renew its request for regulatory action in the context that the Administration has made food ingredient transparency a central pillar of its public health agenda.

II. Action Requested

The Petitioner reiterates and supplements the requests made in the original June 2020 Citizen Petition and the March 2022 First Supplement. Specifically, the Petitioner requests that FDA propose and promulgate final regulations amending 21 C.F.R. § 101 to codify the following requirements:

- Require that all sweeteners be clearly identified as "Sweetener" in parentheses following the ingredient's chemical name in the ingredient list on food labels (see figure 1);
- Require disclosure of the type and quantity (in milligrams per serving) of all sweeteners on the front of package for food and beverage products consumed by children (see figure 2);
- Require that products making any sugar content claim (e.g., "zero sugar," "no sugar added," "reduced sugar," "low sugar") disclose on the principal display panel "Sweetened with [name of Sweetener(s)]" adjacent to such claims (see figure 3);
- Require that products making no/low/reduced sugar claims bear the disclosure "not lower in calories" unless the product contains at least 25% fewer calories than the reference food (see figures 4 and 5);

[5] https://www.regulations.gov/document/FDA-2020-P-1478-0048

- Expand required disclosure of gastrointestinal effects for all sugar alcohols and novel sweeteners at the lowest observable effect level (10 grams for all sugar alcohols; see figure 1); and,
- Integrate sweetener disclosure requirements into any forthcoming front-of-package labeling rule.

In light of the Administration's stated priorities and the active regulatory agenda described herein, the Petitioner further requests that FDA treat this filing as warranting expedited review and action under 21 C.F.R. § 10.30(e)(3).

Figure 1

Nutrition Facts
Serving Size 1/14 package (33g)
Servings Per Container 14

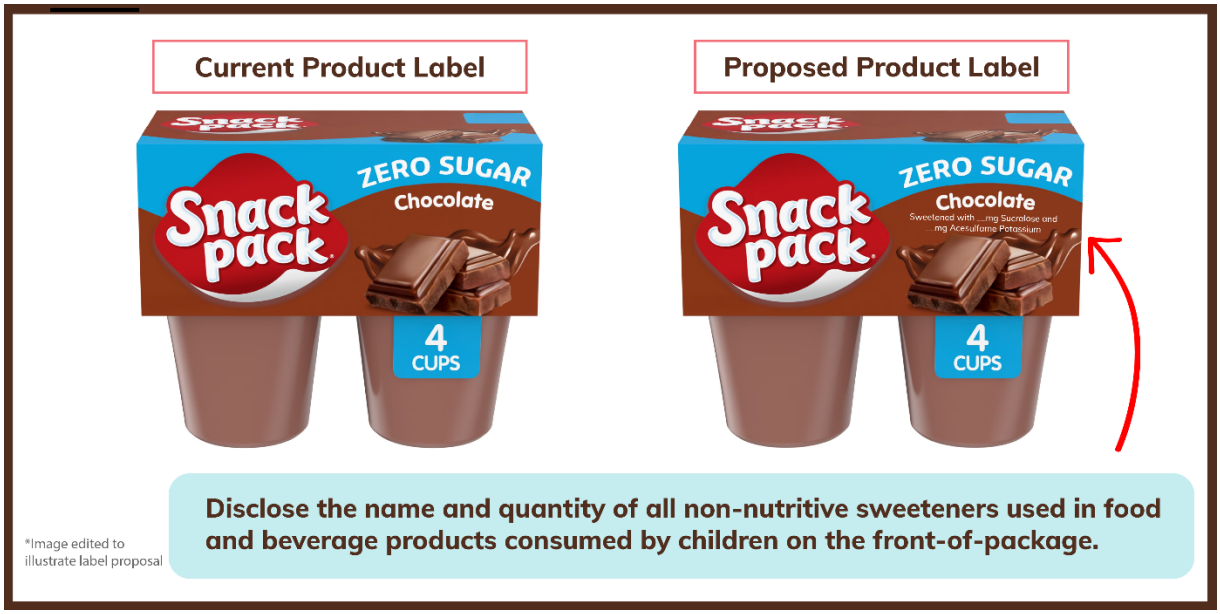
Amount Per Serving	Mix	Prepared
Calories	110	160
Calories from Fat	20	70
	% Daily Value**	
Total Fat 2g*	3%	12%
Saturated Fat 1g	5%	10%
Trans Fat 0g		
Cholesterol 0mg	0%	11%
Sodium 160mg	7%	7%
Total Carbohydrate 27g	9%	9%
Dietary Fiber 1g	5%	5%
Sugars 0g		
Sugar Alcohol 12g		
Protein 1g		
Calcium	2%	2%
Iron	4%	6%

Not a significant source of vitamin A and vitamin C.

Product Disclaimers
Excess Consumption May Cause Laxative Effect (Due To Maltitol)

Ingredients: Enriched Bleached Flour (Wheat Flour, Niacin, Iron, Thiamin Mononitrate, Riboflavin, Folic Acid), Maltitol, Leavening (Baking Soda, Calcium Phosphate, Sodium Aluminum Phosphate), Contains 2% Or Less of: Canola Oil, Salt, Cellulose, Propylene Glycol Esters of Fatty Acids, Artificial Flavor, Monoglycerides, Xanthan Gum, Cellulose Gum, Sodium Stearoyl-2-Lactylate, Acesulfame Potassium (Sweetener), Sucralose (Sweetener), Red 40, Yellow 5.

Figure 2



For children's products, the type and quantity of sweeteners used should be disclosed on the front panel when sugar claims are made.

Figure 3

"Sweetened with (name of Sweetener)" should be required on the front of package where sugar claims are made so it is clear that sweeteners are used in place of sugar.

Figure 4

Quaker Instant Oatmeal Apples & Cinnamon claims "Lower Sugar" on the principal display panel without disclosing it is sweetened with monk fruit extract. Additionally, the "35% Less Sugar" claim was achieved by decreasing the serving size and adding a sugar substitute.

Figure 5

Quaker's "25% Less Sugar" version of its regular chocolate chip Chewy granola bars implies that the product is also lower in calories. However, the "less sugar" product has the same number of calories (100) per serving as the regular version. Parents also may be surprised to learn that sugar alcohols and novel sweeteners are used in both the regular product as well as the less sugar version.

III. Second Supplementary Statement of Factual Grounds

A. The Marketplace Has Continued to Erode Since the First Supplement.

As documented in the original petition and First Supplement, sweeteners have proliferated in the U.S. food supply in direct response to the FDA's 2016 requirement that "added sugars" be disclosed on the Nutrition Facts label. The competitive incentive to reduce "added sugars" declarations has led manufacturers to substitute sweeteners without adequate disclosure, creating systemic consumer deception.

Since the First Supplement was filed in March 2022:

- The volume of new food and beverage products containing sweeteners has continued to grow. The number of products launched each year containing sweeteners has increased by more than 881% since 2000 with 154 products introduced in 2000 and 1,511 in 2025. Even in just the past five years, new products with sweeteners have increased by over 300%.[6]

[6] Mintel. Mintel Global New Product Database (GNPD). Accessed May 2026.

- Since May 2016, 299 new products containing sweeteners and aimed at children (ages 0-12) have been introduced into the marketplace.[7]
- Many of the specific products identified as marketplace violations in the original petition and First Supplement remain on store shelves with unchanged labeling. FDA has taken no enforcement action against any of these products.
- Newer categories of sweeteners including allulose, other rare sugars, and novel polyols, continue to enter the marketplace under names that consumers do not recognize as sweetening agents.
- The practice of front-of-package "no artificial sweeteners" claims on products that nonetheless contain self-declared "natural sweeteners" (such as stevia, monk fruit, and allulose) has expanded, deepening consumer confusion.
- The marketplace practice of using a front-of-package low/no/reduced sugar claim has resulted in over 27,000 new products making such a claim since 2000. While just 308 new products made a claim in 2000, there were 1,896 new products making a low/no/reduced sugar claim in 2025.[8]

Consumer research continues to confirm the harm. Studies published since 2022 demonstrate that most consumers remain unable to identify sweeteners in ingredient lists, and that sugar content claims continue to mislead consumers into believing reformulated products are lower in calories and healthier than their conventional counterparts. These findings are consistent with and reinforce the consumer survey data presented in the original petition and First Supplement.

B. The MAHA Regulatory Environment Provides New and Compelling Policy Grounds for FDA Action.

1. The Administration Has Made Food Ingredient Transparency a Top Priority.

Since January 2025, the Department of Health and Human Services and FDA have explicitly prioritized food ingredient transparency as a core element of the Make America Healthy Again (MAHA) initiative. HHS Secretary Robert F. Kennedy, Jr. has repeatedly stated that Americans deserve to know what is in their food and that FDA's labeling regulations are inadequate to protect consumers from the health consequences of hidden and inadequately disclosed food additives.

This policy direction is supported by the over 30,000 signatories to public petitions[9][10] demanding sweetener transparency that is further reinforced by recent research conducted in April 2026 that found actively avoiding chemical additives and artificial sweeteners is a top priority for many Americans, including MAHA supporters.[11]

- 81% of Americans say sugar is safer for adults than artificial sweeteners, and 85% say it's safer for children; 82% overall prefer sugar.

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7 See Note 6.

8 See note 6.

9 https://www.change.org/p/u-s-food-drug-administration-fda-stop-hiding-artificial-sweeteners-in-our-food

10 https://win.newmode.net/sugarassociation/labeltransparencyisincompletewithoutsweetenertransparency

11 Consumer Research conducted by Quadrant Strategies. Sugar Association. March 2026.

- 98% of MAHA supporters say they want to know the ingredients in their food and drinks, including whether their products contain low- and no- calorie sweeteners.
- 75% of MAHA supporters would prefer ingredient lists that include the word "sweetener" after the chemical names of artificial sweeteners; and,
- 75% would prefer that the draft front-of-package label proposed under the Biden administration be amended to include "contains artificial sweeteners."

The federal government's own scientific advisory process has now confirmed these concerns as it relates to sweeteners. The Scientific Foundation for the Dietary Guidelines for Americans, 2025–2030 (the "DGA Scientific Report) includes a comprehensive umbrella review of meta-analyses examining the health impacts of non-sugar sweetened beverages (NSSBs), defined as beverages containing sweeteners including aspartame, sucralose, saccharin, acesulfame-K, stevia, monk fruit sweetener, allulose, and sugar alcohols.[12]

The DGA scientific report found that people who regularly drink beverages sweetened with sweeteners face meaningfully higher risks of serious health problems. Specifically, the research found they are 13% more likely to die prematurely from any cause, 17% more likely to develop heart disease or have a stroke, and 42% more likely to develop Alzheimer's disease. The report's scientific committee concluded that beverages with non-nutritive sweeteners, including both artificial sweeteners such as sucralose and natural sweeteners such as stevia, "could carry their own health risks and are not necessarily a simple or risk-free substitute" for sugar-sweetened beverages.[13]

The DGA Scientific Report further determined that "no evidence was identified for any beneficial associations" between NSSB consumption and any health outcome examined. This finding directly undermines the implicit consumer understanding, fostered by "zero sugar" and "reduced sugar" claims, that products reformulated with sweeteners are categorically healthier than their conventional counterparts. Consumers cannot act on this federal scientific guidance if they cannot identify whether the products they are purchasing contain sweeteners.

The Administration's action on synthetic food dyes, initiated voluntarily in 2025, demonstrates that FDA has both the authority and the institutional will to address ingredient transparency issues proactively.[14] The same urgency applies with equal or greater force to sweeteners, which are as broadly distributed in the food supply as synthetic dyes and for which the federal government's own dietary guidelines science now documents meaningful health risks.

2. The Forthcoming Front-of-Package Labeling Framework Directly Implicates Sweeteners.

Since the Petitioner's First Supplement was submitted in 2022, FDA has entered rulemaking on a front-of-package labeling framework[15], and HHS Secretary Kennedy has stated front-of-package labeling will be implemented for products meeting applicable ingredient criteria once finalized.

[12] The Scientific Foundation for the Dietary Guidelines for Americans, 2025–2030: Appendices. The umbrella review in Appendix 4-2 covers meta-analytic evidence on added sugars, sugar-sweetened beverages, 100% fruit juice, and non-sugar sweetened beverages (NSSBs).
[13] See Note 6.
[14] https://www.fda.gov/food/food-ingredients-packaging/color-additives-information-consumers
[15] https://www.fda.gov/food/nutrition-food-labeling-and-critical-foods/front-package-nutrition-labeling

The Petitioner has submitted comments to the public docket requesting FDA include sweetener transparency in any final rule on front-of-package labeling, including providing current scientific evidence and public opinion re-submitted in this Second Supplement.[16]

Specifically, since the First Supplement, the World Health Organization (WHO) twice warned consumers about false confidence in the healthfulness of sweeteners. In May 2023, the WHO recommended "against the use of non-sugar sweeteners (NSS) to control body weight or reduce the risk of noncommunicable diseases. The recommendation is based on the findings of a systematic review of the available evidence which suggests that use of NNS does not confer any long-term benefit in reducing body fat in adults or children. Results of the review also suggest that there may be potential undesirable effects from long-term use of NSS, such as an increased risk of type 2 diabetes, cardiovascular diseases, and mortality in adults."[17] The International Agency for Research on Cancer (IARC) went further in July 2023 by classifying the artificial chemical sweetener, aspartame, as possibly carcinogenic.[18]

It is clear from these examples that the science related to sweeteners is not settled. In the absence of clarity, the need for transparency is even more urgent to meet the expectations of consumers trying to navigate the complicated food landscape for themselves and their children. Further, the Pan American Health Organization (PAHO) Nutrient Profile Model has, since 2016, identified "other sweeteners" (including all non-caloric artificial and natural sweeteners, as well as polyols) as a criterion warranting mandatory disclosure.[19] Any front-of-package labeling framework adopted by HHS or FDA that does not explicitly include sweeteners would be inconsistent with this international scientific consensus and would undermine the transparency goals of the MAHA initiative.

The DGA Scientific Report reinforces this conclusion. The review found that the food and beverage industry has "typically used re-formulation by replacing added sugars in beverages with sweeteners…sweeteners likely introduce other concerns." The report called explicitly for public health initiatives to "approach the marketing of these products with caution," warning that "their widespread availability could inadvertently lead to overconsumption or foster a false sense of 'healthiness,' which might undermine broader efforts to improve dietary habits." The report also specifically identified clearer front-of-package labeling as a priority public health intervention to reduce consumption of problematic beverages and to improve consumer understanding of product contents.[20]

The Petitioner respectfully urges FDA to ensure that the sweetener disclosure requirements sought herein are integrated into any forthcoming front-of-package labeling rule, such that consumers receive consistent and complete information regardless of the regulatory vehicle used.

3. GRAS Reform Efforts Confirm That Self-Certification Is Inadequate for Sweeteners.

In March 2025, HHS Secretary Kennedy, directed "FDA to take steps to explore potential rulemaking to revise its Substances Generally Recognized as Safe (GRAS) Final Rule and

[16] https://www.regulations.gov/comment/FDA-2024-N-2910-13175
[17] Use of non-sugar sweeteners: WHO guideline, 15 May 2023
[18] Summary of Findings of the evaluation of aspartame at the International Agency for Research on Cancer (IARC)
[19] Pan American Health Organization. *PAHO Nutrient Profile Model*. Washington, D.C.: PAHO; 2016.
[20] See note 6.

related guidance to eliminate the self-affirmed GRAS pathway."[21] In August 2026, FDA released a proposed rule to amend GRAS requirements to "provide greater transparency about substances that are added to food (including substances already in the food supply and those being introduced into interstate commerce for use in food for the first time)."[22]

It bears noting that many novel sweeteners—including stevia, monk fruit, allulose, certain polyols, and others—have entered the marketplace through the GRAS self-determination process without FDA review or approval. The DGA Scientific Report explicitly identifies allulose, sucralose, acesulfame-K, stevia, and monk fruit sweetener among the sweeteners now widely used in beverages and other foods, and notes that the health impacts of these ingredients remain a "matter of ongoing scientific debate." The report acknowledges that the "limited number of randomized controlled trials, short intervention periods, and methodological challenges" in the existing literature mean that uncertainty about long-term safety persists.[23]

The administration's focus on increasing transparency for GRAS ingredients reinforces the urgency of the disclosure requirements sought in this petition. When premarket safety review is deemed insufficient, robust post-market labeling transparency becomes more critical. Consumers cannot protect themselves from ingredients they cannot identify and "parents should not need a chemistry degree to understand what their children are eating." (Secretary Kennedy, August 10, 2026)[24]

C. Children Remain Particularly at Risk.

As documented in the original petition and First Supplement, children are disproportionately exposed to sweeteners in the food supply and disproportionately harmed by the current disclosure gap. The DGA Scientific Report and the recently released Global Food Institute 2026 policy report, *Reducing Added Sugars in U.S. Children's Diets: A Policy Roadmap* provide new federal urgency for the heightened concern about sweetener exposure in children and underscores the urgency of the labeling reforms sought in this petition.[25][26]Concerningly, data demonstrates that the number of children's food products containing sweeteners in the United States continues to grow. Since May 2016, 299 new products aimed at children (ages 0-12) contain LNCS. [27]

The DGA Scientific Report explicitly identifies a critical gap in the existing evidence base that this petition's labeling requests would help to close: the report notes that "there is a significant gap in meta-analyses specifically focused on children" regarding the health effects of sweeteners. The report's authors identified this as an urgent priority for future research. This gap is directly attributable in part to the absence of mandatory quantity disclosure on food labels. Specifically, the amount of sweeteners added to products does not currently require disclosure, making it

[21] https://www.hhs.gov/press-room/revising-gras-pathway.html
[22] Substances Generally Recognized as Safe, 91 Fed. Reg. 51,834 (proposed Aug. 11, 2026) (to be codified at 21 C.F.R. pts. 170, 570)
[23] See note 6.
[24]Department of Health and Human Services, *Food Policy Celebration*, YouTube (Aug. 10, 2026), https://www.youtube.com/watch?v=PQWnhvLsvBk.
[25] See note 6.
[26] Global Food Research Program, Univ. of N.C. at Chapel Hill, *Reducing Added Sugars in U.S. Children's Diets: A Policy Roadmap* (2026).
[27]Mintel GNPD (Accessed January 2025).

difficult to accurately capture children's actual exposures and to conduct the longitudinal research needed to understand long-term health effects. FDA cannot expect the scientific community to fill the evidence gap the report identifies while simultaneously declining to require the exposure data that would make such research possible.

The Global Food Institute's 2026 policy report, *Reducing Added Sugars in U.S. Children's Diets: A Policy Roadmap* (GFI Policy Report), provides additional context for why robust sweetener disclosure requirements are essential. The report highlights that the American Heart Association and American Academy of Pediatrics "both caution against [non-nutritive sweeteners] NNS for children, citing insufficient evidence on their long-term health effects," and concludes that any improvements to children's health is not achieved through "substitution with non-nutritive sweeteners, whose long-term effects on children's health are not yet well understood."[28] This scientific consensus makes clear that when sweeteners are present in food products, particularly those marketed to or consumed by children, their presence should be clearly and meaningfully disclosed to consumers and parents at the point of purchase. The GFI Policy Report's recommendations on front-of-package labeling (FOPL) reinforce the case for mandatory sweetener disclosure. The GFI Policy Report cites FDA's January 2025 proposed FOPL rule,[29] as "the highest-leverage regulatory action available for reaching children and caregivers at the point of purchase."[30]

There are mounting questions about the rising and combined use of various sweeteners, particularly in foods for children, as noted by multiple global health authorities including the UN Joint Expert Committee on Food Additives, the European Food Safety Authority and the Danish Veterinary and Food Administration. [31] The American Academy of Pediatrics has concluded that, "the long-term safety of [non-nutritive sweeteners] in childhood has not been assessed in humans" and "without proper knowledge of true content, it is difficult to know whether intake of a particular sweetener is within the [acceptable dietary intake] level" The American Heart Association also states that "it is prudent to advise against prolonged consumption of [low calorie sweeteners] by children."[32]

Further, the May 2025 Make our Children Healthy Again Assessment specifically noted, "artificial sweeteners like aspartame, sucralose, and saccharin, used widely in diet sodas and sugar-free foods, have been observed to interfere with the gut microbiome in some studies. Gut microbiome shifts have been linked to obesity, metabolic issues, and possibly glucose intolerance."[33] Adding to consumers' desire to know more about their presence in food, the World Health Organization (WHO) has twice warned consumers in the past two years about false confidence in the use of LNCS. In May 2023, the WHO recommended "against the use of non-sugar sweeteners (NSS) to control body weight or reduce the risk of noncommunicable

[28] See note 20.
[29] See note 11.
[30] See note 20.
[31] Carissa M. Baker-Smith, MD, MPH, FAAP, Sarah D. de Ferranti, MD, MPH, FAAP, William J. Cochran, MD, FAAP: The Use of Nonnutritive Sweeteners in Children.
[32] Low-Calorie Sweetened Beverages and Cardiometabolic Health: A Science Advisory from the American Heart Association. August 2018. [https://pubmed.ncbi.nlm.nih.gov/30354445/
[33]The MAHA Report, Make our Children Healthy Again Assessment (https://www.whitehouse.gov/wp-content/uploads/2025/05/MAHA-Report-The-White-House.pdf)

diseases. The recommendation is based on the findings of a systematic review of the available evidence which suggests that use of NNS does not confer any long-term benefit in reducing body fat in adults or children. Results of the review also suggest that there may be potential undesirable effects from long-term use of NSS, such as an increased risk of type 2 diabetes, cardiovascular diseases, and mortality in adults."

Highlighting the importance of additional information on sweeteners is a recent study in which parents were asked to choose the "healthiest" option in foods for children ages 0-12 by viewing products without front-of-package labeling (FOPL), with added sugars on the FOPL, and with added sugars and non-sugar sweeteners (NSS) on the FOPL. The study concluded that "viewing products with both added sugar and NSS FOPLs increased the likelihood of choosing the unsweetened option and lowered parents' purchase intentions and healthfulness perceptions of NSS-containing products. FOPLs for both added sugar and NSS may support parents in making healthier choices for their children"[34]

Nutrition researchers across the public health community have called for greater transparency in sweetener labeling for children's products. FDA's continued failure to act on this petition is difficult to defend given the convergence of these calls with the current Administration's stated priorities and with the findings now published in the federal government's own dietary guidelines scientific record

D. A Patchwork of State Laws Underscores Americans' Desire for Transparency.

In the absence of FDA action, states have acted independently to address the ingredient transparency gap identified in this petition. Since the First Supplement was filed in March 2022:

- Louisiana enacted "Senate Bill 14", referred to by HHS Secretary Kennedy as the "Louisiana MAHA bill", requiring disclosure labeling for more than 40 ingredients, including sweeteners, beginning in 2028 for school foods.[35]
- California is advancing legislation (AB 2034, the Food Additive Safety and Transparency Act) requiring manufacturers to provide complete ingredient information, including full disclosure of flavors, spices, and colors, and submit safety data for self-affirmed GRAS substances to the California Department of Public Health.[36]
- The New York Legislature has passed the Food Safety and Chemical Disclosure Act (AB 1556/SB 1239), which would make New York the first state to impose mandatory reporting requirements for GRAS self-determinations; the bill currently awaits Governor Hochul's signature.[37]

[34] Allison C. Sylvetsky, Mariana F. Grilo, James W. Krieger, Yichen Jin, Sydney Pryor, Lindsey Smith Taillie: Effects of front-of-package labels for added sugars and non-sugar sweeteners (NSS) on parents' perceptions and selections of foods and beverages for their children: a randomized experiment.
[35] https://legis.la.gov/legis/BillInfo.aspx?i=247976
[36] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260AB2034
[37] https://www.nysenate.gov/legislation/bills/2025/S1239/amendment/F

- Texas (SB314 & SB25) and West Virginia (HB2354) have enacted or are advancing measures targeting food dyes and additives in school nutrition programs.[38]

This patchwork of state legislation creates significant compliance burdens for food manufacturers, marketplace confusion for consumers, and legal uncertainty for all parties. Only FDA can establish a uniform national standard. The Petitioner urges FDA to exercise its authority now, before the state-level patchwork deepens further.

IV. Statement of Legal Grounds

The legal grounds for the actions requested herein are set forth fully in the original June 2020 Citizen Petition and are incorporated herein by reference. In brief:

- Section 403(a)(1) of the Federal Food, Drug, and Cosmetic Act prohibits food labeling that is "false or misleading in any particular." Food labels that make sugar content claims without disclosing the presence of sweeteners used to achieve those claims are misleading in violation of this provision.
- Section 201(n) of the Act provides that in determining whether labeling is misleading, account shall be taken of "the extent to which the labeling fails to reveal facts material in the light of such representations." The presence and identity of sweeteners is a material fact in the context of sugar content claims.
- Section 701 of the Act, 21 U.S.C. § 371, provides FDA with authority to issue regulations for the efficient enforcement of the Act's misbranding provisions. Given the pervasiveness of the violations documented in this petition record, promulgation of regulations is necessary and appropriate.

FDA's six-year delay in acting on the original petition in the face of marketplace conditions and explicit Administration priorities that align with the Petitioner's requests warrants expedited review and action.

V. Conclusion

The problems identified in the original 2020 Citizen Petition have grown significantly worse over the past five years. Consumers continue to be misled about the sweeteners in their food due to the lack of real transparency for these ingredients. The deception created by the current labeling regime is exacerbated by an ever-growing array of products making sugar content claims without disclosing the sweeteners used to achieve them.

The policy and consumer environment has never been more favorable for the actions requested herein. The current Administration has made food ingredient transparency a central pillar of its public health agenda. The forthcoming front-of-package labeling framework, the ongoing GRAS reform effort, the Administration's action on synthetic dyes, and the MAHA Commission's report all point in the same direction: toward the kind of complete, accurate, and transparent ingredient labeling that this Petitioner has sought since 2020.

[38]https://legiscan.com/TX/bill/SB314/2025; https://legiscan.com/TX/bill/SB25/2025; https://www.wvlegislature.gov/bill_status/bills_text.cfm?billdoc=hb2354%20intr.htm&yr=2025&sesstype=RS&i=2354

The Petitioner respectfully submits that it is incumbent upon FDA to fulfill its statutory mandate and to act in alignment with the Administration's stated priorities by granting the relief requested in this petition and initiating a rulemaking to amend 21 C.F.R. § 101 accordingly.

VI. Statement of Environmental Impact

The action requested is subject to a categorical exclusion under 21 C.F.R. § 25.30 and therefore does not require the preparation of an environmental assessment.

VII. Statement of Economic Impact

No statement of the economic impact of the requested action is presented because none has been requested by the Commissioner.

VIII. Certification

The undersigned party certifies that, to the best of their knowledge and belief, that this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the Petitioner which is unfavorable to the petition.

Respectfully submitted,

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Appendix: Marketplace examples

Marketplace Examples

Reformulated versions do not necessarily have fewer calories

Nutrition Facts
About 35 Servings Per Container
Serving size 2 Tbsp (32g)

Amount per serving
Calories 190

	% Daily Value*
Total Fat 16g	21%
Saturated Fat 3g	15%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 150mg	7%
Total Carbohydrate 6g	2%
Dietary Fiber 2g	7%
Total Sugars 3g	
Includes 2g Added Sugars	4%
Protein 7g	
Vitamin D 0mcg	0% • Calcium 0mg 0%
Iron 0.4mg	2% • Potassium 90mg 2%
Vitamin E 1.5mg	10% • Niacin 3.2mg 20%

*Percent daily Values are based on a 2,000 calorie diet.

Original Peanut Butter

No Sugar Added Peanut Butter

Nutrition Facts
About 14 servings per container
Serving size 2 Tbsp (32g)

Amount per serving
Calories 210

	% Daily Value
Total Fat 18g	23%
Saturated Fat 4g	20%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 110mg	5%
Total Carbohydrate 4g	1%
Dietary Fiber 1g	4%
Total Sugars 2g	
Includes 0g Added Sugars	0%
Protein 7g	7%
Vitamin D 0mcg	0% • Calcium 0mg 0%
Iron 0.4mg	2% • Potassium 90mg 2%
Vitamin E 1.5mg	10% • Niacin 3.2mg 20%

The "no sugar added" version has **more** calories per serving

The amount of sugar is prominently labeled, but nothing indicates what was added instead, or in what quantities

Ingredients: Isomalto-oligosaccharides (vegetable source), Allulose, Soluble tapioca fiber, Gelatin, Malic acid, Citric acid, Natural flavors, Fruit and vegetable juice (for color), Coconut oil, Carnauba wax, Monk fruit extract.

3 in 4 parents think it's important to know the amount of sugar substitutes in their kids' food. Parents don't want to be left in the dark about what chemicals their kids are eating.

Original Chewy Bar

INGREDIENTS: Granola (whole grain oats, brown sugar, brown rice crisp [whole grain brown rice flour, sugar, salt], whole grain wheat, soybean oil, coconut, whole wheat flour, baking soda, soy lecithin, nonfat dry milk), semisweet chocolate chips (sugar, chocolate liquor, cocoa butter, soy lecithin, vanilla extract), corn syrup, brown rice crisp (whole grain brown rice flour, sugar, salt), invert sugar, sugar, corn syrup solids, glycerin, soybean oil. Contains 2% or less of calcium carbonate, sorbitol, salt, soy lecithin, molasses, tocopherols (to preserve freshness), natural flavor.
CONTAINS COCONUT, MILK, SOY AND WHEAT INGREDIENTS.
MAY CONTAIN TRACES OF PEANUT AND OTHER TREE NUTS.

Both have 100 calories

Reduced Sugar Chewy Bar

INGREDIENTS: Granola (whole grain oats, brown sugar, brown rice crisp [whole grain brown rice flour, sugar, salt], whole grain wheat, soybean oil, dried coconut, whole wheat flour, baking soda, soy lecithin, nonfat dry milk), corn syrup, semisweet chocolate chips (sugar, chocolate liquor, cocoa butter, soy lecithin, vanilla extract), brown rice crisp (whole grain brown rice flour, sugar, salt), sunflower oil, corn syrup solids, inulin, polydextrose, glycerin. Contains 2% or less of: calcium carbonate, invert sugar, salt, molasses, diacetyl tartaric acid ester of monodiglycerides, tocopherols (to preserve freshness), natural flavor, soybean oil.
CONTAINS COCONUT, MILK, SOY AND WHEAT INGREDIENTS.
MAY CONTAIN TRACES OF PEANUT AND OTHER TREE NUTS.

Even products not labeled as reduced sugar or sugar free can contain hidden artificial sweeteners and sugar alcohols that are not easily recognizable. And both of these products have 100 calories, though people may perceive the reduced sugar version as "healthier."

INGREDIENTS: SKIM MILK, MALTITOL SYRUP, MALTODEXTRIN (CORN), COCONUT OIL, WHEY, CREAM, LESS THAN 2% OF: MONO AND DIGLYCERIDES, GUAR GUM, CAROB BEAN GUM, TARA GUM, NATURAL FLAVOR, ACESULFAME POTASSIUM, SUCRALOSE, ANNATTO (FOR COLOR). CONTAINS MILK.

"No sugar added" doesn't tell consumers anything about what's in the product instead. Products with claims like these should be required to say "sweetened with sucralose and acesulfame potassium" right up front.

INGREDIENTS: Popcorn, Palm Oil, Salt, Rosemary Extract (For Freshness), Sucralose.
MAY CONTAIN MILK

This claim is allowed, even though the label doesn't disclose that an artificial sweetener is used to provide sweet taste without added sugars.

Nutrition Facts
Servings per Bag About 3
Servings per Box About 36
Serving size 2 tbsps unpopped (25g) (makes about 3 cups popped)

	2 tbsps unpopped (25g)		1 cup popped (6g)	
Calories	**130**		**30**	
		% DV*		% DV*
Total Fat	9g	12%	2g	3%
Saturated Fat	4.5g	23%	1g	5%
Trans Fat	0g		0g	
Polyunsaturated Fat	1g		0g	
Monounsaturated Fat	3g		1g	
Cholesterol	0mg	0%	0mg	0%
Sodium	75mg	3%	20mg	1%
Total Carb.	12g	4%	3g	1%
Dietary Fiber	2g	7%	0g	0%
Total Sugars	0g		0g	
Incl. Added Sugars	0g	0%	0g	0%
Protein	2g		0g	
Vitamin D	0mcg	0%	0mcg	0%
Calcium	0mg	0%	0mg	0%
Iron	0.3mg	2%	0mg	0%
Potassium	50mg	0%	0mg	0%

If making a claim about sugar, labels should be required to include the name **and quantity** of artificial sweetener on the front of the package, so Americans aren't left in the dark about what they kids are eating

Nutrition Facts
4 servings per container
Serving size
1 pudding cup (92g)
Calories per serving 70

Amount/serving	% Daily Value*	Amount/serving	% Daily Value*
Total Fat 3.5g	4%	**Total Carbohydrate** 14g	5%
Saturated Fat 2g	10%	Dietary Fiber 2g	7%
Trans Fat 0g		Total Sugars 0g	
Polyunsaturated Fat 0g		Incl. 0g Added Sugars	0%
Monounsaturated Fat 1g		Sugar Alcohol 8g	
Cholesterol 0mg	0%	**Protein** 1g	
Sodium 115mg	5%		

Vit. D 0mcg 0% • Calcium 0mg 0% • Iron 3.1mg 15% • Potas. 140mg 2%

INGREDIENTS: WATER, MODIFIED CORN STARCH, SORBITOL, MALTITOL, NONFAT MILK*, COCOA (PROCESSED WITH ALKALI), PALM OIL, LESS THAN 2% OF: SALT, MILK PROTEIN ISOLATE, SODIUM STEAROYL LACTYLATE, CARRAGEENAN, ARTIFICIAL FLAVORS, SUCRALOSE, ACESULFAME POTASSIUM. *ADDS AN INSIGNIFICANT AMOUNT OF SUGAR. **CONTAINS: MILK**

For more information on the Campaign for Sweetener Transparency, scan the QR code here

CAMPAIGN FOR SWEETENER TRANSPARENCY

Real Sugar