

EZASSI

State Food Additive, Dye and Ingredient Warning Laws (United States)

Regulatory Signals · October 2026

A Regulatory watch on the state laws that ban food ingredients and color additives or require warnings and disclosure, and on the court cases deciding whether they take effect, read for a food and beverage manufacturer that sells into most states and can't run a formula or label for each one. Seven signals from one cycle.

#	SIGNAL	CONFIDENCE	HORIZON	STATUS
1	California sets two reformulation dates a year apart: four ingredients out of all food from January 1, 2027, and six dyes out of school food from December 31, 2027	High	Short-term (3–12 months)	Verified
2	California, West Virginia and Delaware laws and a Florida investigation all target the same handful of ingredients, so one national reformulation is the cheapest way to comply	High	Short-term (3–12 months)	Verified
3	Courts have paused Texas's warning labels and West Virginia's statewide ban, but the Texas order protects only members of four trade groups, so other manufacturers still face the January 2027 date	High	Short-term (3–12 months)	Verified
4	Texas warnings and Louisiana QR-code disclosures are label obligations separate from reformulation, and in Texas any label change from January 1, 2027 triggers the warning	High	Short-term (3–12 months)	Verified
5	School food is now its own compliance front, with restrictions already in force in West Virginia and Delaware and two California dates coming	High	Immediate (0–3 months)	Verified
6	Florida's Attorney General is using consumer-protection law to investigate potassium bromate, and has asked for a list of the flour's biggest buyers	Medium	Immediate (0–3 months)	Verified
7	New York's food additive and GRAS disclosure bill has passed both houses but has not been signed, and would take effect a year after it becomes law	Medium	Short-term (3–12 months)	Review

Every signal rests on two or more dated events. Confidence is published as a band. Where a signal sits below High, the reasoning names the evidence that is missing. Status says where the evidence stands: Verified, Review, or Inconclusive — we looked, and the evidence does not yet support a firmer call.

SIGNAL 1 OF 7

California sets two reformulation dates a year apart: four ingredients out of all food from January 1, 2027, and six dyes out of school food from December 31, 2027

HIGH Short-term (3–12 months) • Legislative & Statutory Activity • **Verified**

California AB 418 bans Red No. 3, brominated vegetable oil, potassium bromate and propylparaben in food made, sold or distributed in the state from January 1, 2027. AB 2316 bans Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2 and Green 3 from food sold or served in public schools from December 31, 2027.

REASONING

Both are enacted laws with fixed dates and no court challenge. The two lists don't overlap, so they are two separate jobs: one for every product sold in California, one for products sold into California schools. AB 418 carries civil penalties of up to \$5,000 for a first violation and \$10,000 for each one after, enforced by the Attorney General and local government attorneys.

PATTERN

AB 418, the California Food Safety Act, bars manufacturing, selling, distributing or holding food containing brominated vegetable oil, potassium bromate, propylparaben or Red No. 3 from January 1, 2027, with civil penalties of up to \$5,000 for a first violation and \$10,000 for later ones. AB 2316, signed in September 2024, bans Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2 and Green 3 from food served or sold in California public schools from December 31, 2027, excluding USDA-provided foods and fundraising sales; the California Department of Education monitors compliance.

IMPLICATION

Every product sold in California must be free of the four AB 418 ingredients by January 1, 2027, about twelve weeks away. Products sold into California schools must also be free of the six dyes by December 31, 2027. A manufacturer that can't run a California-only formula will in practice make these national changes.

RECOMMENDED ACTION

By December 31, 2026, finish the ingredient audit, supplier requalification and inventory controls for the four AB 418 ingredients across everything sold in California. Start a separate audit of school-channel products for the six AB 2316 dyes now.

SOURCES & WHAT THEY SIGNAL

- [Buchalter — 2026 California regulatory update](#) — AB 418 scope, January 1, 2027 date and penalties; AB 2316 effective December 31, 2027.
- [Assemblymember Jesse Gabriel — Governor signs AB 2316](#) — AB 2316 bans Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2 and Green 3 in school foods from December 31, 2027.
- [RegBase — State food additive patchwork, July 2026](#) — AB 418 on schedule with no injunction.

SIGNAL 2 OF 7

California, West Virginia and Delaware laws and a Florida investigation all target the same handful of ingredients, so one national reformulation is the cheapest way to comply

HIGH Short-term (3–12 months) • Legislative & Statutory Activity • **Verified**

Four enacted laws in three states restrict overlapping lists of dyes and additives, and Florida's Attorney General is investigating potassium bromate under consumer-protection law. Red No. 3, propylparaben, potassium bromate and the six FD&C dyes recur across them.

REASONING

Each law is enacted and dated; the Florida action is a confirmed subpoena. No single law drives the conclusion: it is the repetition of the same ingredients across independent states that makes a state-by-state approach more expensive than one change everywhere.

PATTERN

California AB 418 bans Red No. 3, brominated vegetable oil, potassium bromate and propylparaben from January 1, 2027. West Virginia HB 2354 deems food with Red No. 3, Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2, Green 3, BHA or propylparaben adulterated statewide from January 1, 2028 (currently enjoined), with school restrictions in force since August 1, 2025. Delaware SB 69, signed May 22, 2025, bars Red 40 from school meals and competitive foods from July 1, 2026. California AB 2316 bars the six FD&C dyes from school food from December 31, 2027. Florida's Attorney General issued a civil subpoena to General Mills on July 13, 2026 over potassium bromate in bakery flour.

IMPLICATION

A manufacturer selling into these states can't sensibly keep separate formulas. Reformulating once to the strictest combined list removes the exposure everywhere, and California's January 1, 2027 date sets the deadline for the first phase.

RECOMMENDED ACTION

Map every SKU against the combined list (Red No. 3, Red 40, Yellow 5, Yellow 6, Blue 1, Blue 2, Green 3, BHA, brominated vegetable oil, potassium bromate, propylparaben). Make the four AB 418 ingredients phase one, due January 1, 2027, and the West Virginia and school-food dyes phase two.

SOURCES & WHAT THEY SIGNAL

- [Buchalter — 2026 California regulatory update](#) — AB 418 and AB 2316 scope and dates.
- [West Virginia Legislature — HB 2354 bill status](#) — Enacted March 2025, Chapter 206.
- [Delaware General Assembly — Senate Bill 69](#) — Signed May 22, 2025; Red 40 barred from school food from July 1, 2026.
- [FoodNavigator — Florida bromate probe puts General Mills flour under scrutiny](#) — July 13, 2026 civil subpoena under Florida's Deceptive and Unfair Trade Practices Act.

- [RegBase — State food additive tracker](#) — Status of each state law, updated September 16, 2026.

SIGNAL 3 OF 7

Courts have paused Texas's warning labels and West Virginia's statewide ban, but the Texas order protects only members of four trade groups, so other manufacturers still face the January 2027 date

HIGH Short-term (3–12 months) · Judicial & Legal Precedents · **Verified**

A federal court enjoined Texas SB 25's warning requirement on February 11, 2026, but only for the American Beverage Association, Consumer Brands Association, National Confectioners Association, FMI and their members. A federal court enjoined West Virginia HB 2354's statewide ban on December 23, 2025 on vagueness grounds, leaving its school provisions in force. Both cases are on appeal.

REASONING

The Texas order's limit to the plaintiff associations and their members is stated in the court coverage and in Texas's own rule preamble. The sources reviewed don't say whether the West Virginia order is limited to the plaintiff color manufacturers' association, but they agree it does not reach the school provisions. Neither appeal has been decided, so either date could come back.

PATTERN

In *American Beverage Association v. Paxton* (W.D. Tex.), the court granted a preliminary injunction on February 11, 2026, finding a likely First Amendment violation, and barred the Attorney General from enforcing the warning requirement against the four plaintiff associations and their members; Texas appealed to the Fifth Circuit (No. 26-50192) and the district case was stayed April 9, 2026. In West Virginia, Judge Irene Berger preliminarily enjoined the statewide provisions on December 23, 2025, finding the law likely unconstitutionally vague, and rejected the equal-protection and bill-of-attainder claims; the state appealed to the Fourth Circuit (No. 26-1085). The school-meal provisions in force since August 1, 2025 were not enjoined.

IMPLICATION

A manufacturer that does not belong to one of the four Texas plaintiff associations faces the January 1, 2027 warning-label date as written. In West Virginia, the January 1, 2028 statewide date is paused but not cancelled, and the school restrictions apply now. Either appeal court could reinstate a date with little notice.

RECOMMENDED ACTION

Within 30 days, confirm whether your company, and each co-manufacturing customer whose label you print, is a member of the American Beverage Association, Consumer Brands Association, National Confectioners Association or FMI, and get the injunction orders from counsel. If not covered, plan to the January 1, 2027 Texas date and track both appeals.

SOURCES & WHAT THEY SIGNAL

- [HLC — Court temporarily blocks enforcement of Texas SB 25's warning label requirement](#) — February 2026: injunction limited to the four plaintiff associations and their members.
- [Venable — Federal court pauses West Virginia's plan to ban food additives](#) — December 23, 2025 injunction on vagueness grounds; school provisions unaffected.
- [West Virginia Public Broadcasting — Federal judge blocks enforcement of state food dye ban](#) — Judge Berger's ruling and grounds.
- [RegBase — State food additive patchwork, July 2026](#) — Appeal numbers and stays in both cases.
- [Beveridge & Diamond — Food litigation watch](#) — Litigation history and claims in both cases.

SIGNAL 4 OF 7

Texas warnings and Louisiana QR-code disclosures are label obligations separate from reformulation, and in Texas any label change from January 1, 2027 triggers the warning

HIGH Short-term (3–12 months) • Legislative & Statutory Activity • **Verified**

Texas SB 25 requires a warning on foods containing any of 44 listed ingredients when the label is developed or copyrighted on or after January 1, 2027; Texas's final rule says any later label change, even a minor one, counts. Louisiana's disclosure law, amended by SB 57 on June 1, 2026, now requires QR-code disclosure by December 31, 2028 and covers only ingredients FDA requires on the label.

REASONING

Both obligations are enacted, with dates confirmed by state rules or amending acts. They apply whether or not a product is reformulated, so they create artwork and digital work alongside the ingredient changes. Texas's rule preamble indicates that ingredients FDA or USDA consider safe are not covered, which could narrow the list in practice; that reading has not been tested.

PATTERN

Texas DSHS published its final SB 25 rule in the Texas Register on February 20, 2026. It applies the warning to labels developed or copyrighted on or after January 1, 2027, treats any later label change as a new label, requires no sell-through for older labels, exempts distributors without manufacturing or retail activity, and lets online sellers post only the panel with the warning. Enforcement is by the Attorney General, with no private right of action, and is currently enjoined for members of the four plaintiff associations. Louisiana SB 57, signed June 1, 2026, amended SB 14 to move the QR-code disclosure deadline to December 31, 2028 and narrow it to ingredients FDA requires to be named on the label.

IMPLICATION

For products sold in Texas that contain a listed ingredient, the next label change after January 1, 2027, for any reason, brings the warning, unless the company is covered by the injunction or the ingredient falls outside the rule. For Louisiana, a QR-code disclosure system is needed by the end of 2028. Both apply to own-brand and co-manufactured labels.

RECOMMENDED ACTION

Before January 1, 2027, list every Texas-sold product containing a listed ingredient and schedule label changes with the warning in mind; ask counsel whether the rule's preamble on FDA- and USDA-safe ingredients removes any of yours from scope. Start mapping Louisiana products to FDA-named ingredients for the 2028 QR-code disclosure.

SOURCES & WHAT THEY SIGNAL

- [HLC — Texas issues final rule on SB 25 ingredient warning labeling law](#) — February 20, 2026 final rule: trigger date, label-change reading, exemptions, preamble on GRAS and safe ingredients.
- [RegBase — State food additive patchwork, July 2026](#) — Louisiana SB 57 signed June 1, 2026; deadline moved to December 31, 2028 and scope narrowed.

SIGNAL 5 OF 7

School food is now its own compliance front, with restrictions already in force in West Virginia and Delaware and two California dates coming

HIGH Immediate (0–3 months) · Legislative & Statutory Activity · **Verified**

West Virginia's school-meal dye restrictions have applied since August 1, 2025 and were not enjoined. Delaware has barred Red 40 from school food since July 1, 2026. California's AB 418 ingredients leave school food with all food on January 1, 2027, and AB 2316's six dyes on December 31, 2027.

REASONING

Each school restriction is enacted and dated, and none is blocked by the court orders that paused broader bans. School rules are arriving earlier and holding up better in court than statewide retail bans, so a manufacturer selling into schools needs a separate check rather than waiting on the retail litigation.

PATTERN

West Virginia HB 2354's school nutrition provisions took effect August 1, 2025 and were left in force by the December 23, 2025 injunction. Delaware SB 69, signed May 22, 2025, bars schools from selling or serving meals or competitive foods containing Red 40 on campus during the school day from July 1, 2026. California's AB 418 applies to all food, including school food, from January 1, 2027, and AB 2316 bars six FD&C dyes from California public school food from December 31, 2027.

IMPLICATION

School-channel products shipped to West Virginia and Delaware must already meet these rules, and California's dates follow within fifteen months. School buyers will screen against the strictest list they face, so a non-compliant product risks losing the account, not just one state.

RECOMMENDED ACTION

Audit every school-channel SKU now against West Virginia's school list, Delaware's Red 40 rule and California's two dates. Reformulate or withdraw non-compliant items from the school channel before the next school purchasing cycle.

SOURCES & WHAT THEY SIGNAL

- [Venable — Federal court pauses West Virginia's plan to ban food additives](#) — School-meal provisions in force since August 1, 2025 and not enjoined.
- [Delaware General Assembly — Senate Bill 69](#) — Red 40 barred from school meals and competitive foods from July 1, 2026.
- [Assemblymember Jesse Gabriel — Governor signs AB 2316](#) — Six dyes barred from California school food from December 31, 2027.

- [Buchalter — 2026 California regulatory update](#) — AB 418 from January 1, 2027; AB 2316 scope and exclusions.

SIGNAL 6 OF 7

Florida's Attorney General is using consumer-protection law to investigate potassium bromate, and has asked for a list of the flour's biggest buyers

MEDIUM Immediate (0–3 months) · Enforcement & Compliance Signals · **Verified**

On July 13, 2026 Florida's Attorney General subpoenaed General Mills under the state's Deceptive and Unfair Trade Practices Act over potassium bromate in four bulk bakery flours. The subpoena asks for Florida buyers, top purchasers from 2023 to 2026, disclosures made to buyers, internal health research, and whether bromated flour reached Florida schools.

REASONING

The subpoena is confirmed by dated trade and local reporting. It shows a state acting on an ingredient without passing a ban, through consumer-protection law. The band is held at MEDIUM because the investigation is open, no case has been filed, and no Florida law requires removing the ingredient.

PATTERN

Florida Attorney General James Uthmeier issued a civil subpoena on July 13, 2026 to General Mills Inc. and General Mills Operations LLC under the Deceptive and Unfair Trade Practices Act, without alleging wrongdoing. It names Pillsbury Potentate High Gluten Flour, Pillsbury Best Bakers Patent Flour, Gold Medal All Aces Bakery Flour and Gold Medal Superlative Bakers Flour, sold in 50-pound sacks, and seeks which Florida products contain potassium bromate, who bought them, what was disclosed to buyers, internal research on health effects, top Florida purchasers from 2023 to 2026, and whether bromated flour reached Florida public schools. As of July 2026 the investigation was open with no suit filed. California's AB 418 bans potassium bromate from January 1, 2027.

IMPLICATION

A bakery or manufacturer buying bromated flour for products sold in Florida could appear on the purchaser list the Attorney General has requested, and could be asked about its own disclosures and school sales. With California's ban arriving in January, removing potassium bromate addresses both risks at once.

RECOMMENDED ACTION

Find out now whether any flour you buy is bromated, especially for products sold in Florida or to schools. If so, qualify an unbromated replacement as part of the California AB 418 work, and keep supplier and customer records for those products in order.

SOURCES & WHAT THEY SIGNAL

- [FoodNavigator — Florida bromate probe puts General Mills flour under scrutiny](#) — July 15, 2026: subpoena terms, products named and records sought.
- [RegBase — State food additive patchwork, July 2026](#) — Investigation open, no lawsuit filed.

SIGNAL 7 OF 7

New York's food additive and GRAS disclosure bill has passed both houses but has not been signed, and would take effect a year after it becomes law

MEDIUM Short-term (3–12 months) · Legislative & Statutory Activity · **Review**

New York S1239/A1556, the Food Safety and Chemical Disclosure Act, passed the Senate and then the Assembly on April 21, 2026. It would ban Red No. 3, potassium bromate and propylparaben and require manufacturers to report GRAS substances used in food sold in New York. As of September it had not been delivered to the Governor.

REASONING

Passage is confirmed in the Senate's own record. Enactment is not: in New York the legislature decides when to send a passed bill to the Governor, and the review clock starts only then. The GRAS-reporting requirement would be new, with no equivalent in any enacted state law, which is why the bill matters despite the uncertainty. Comparable GRAS bills in California, Pennsylvania and New Jersey remain in committee.

PATTERN

The New York Senate's record shows S1239-F passed both houses, with the Assembly substituting it for A1556-G on April 21, 2026, and no delivery to the Governor logged. PackagingLaw reported on April 23, 2026 that the Governor's ten-day review starts only once the bill is formally presented. RegBase reported that as of September 10, 2026 the bill had not been delivered. The bill would take effect one year after becoming law and would allow products with certain date labels to be sold for up to three years after the ban's effective date.

IMPLICATION

If signed, New York would join California in banning Red No. 3, potassium bromate and propylparaben, and would add a GRAS reporting duty most mid-size manufacturers have no system for. The signing date, not the passage date, would start a twelve-month clock.

RECOMMENDED ACTION

Within 60 days, build an inventory of the self-affirmed GRAS ingredients in products sold in New York, with supporting documentation, so reporting exposure can be assessed the day the bill is signed. Confirm that your California AB 418 work removes the same three ingredients from New York products.

SOURCES & WHAT THEY SIGNAL

- [New York State Senate — S1239F](#) — Passed Senate and Assembly; latest action April 21, 2026; not shown as delivered or signed.
- [PackagingLaw — New York GRAS bill heads to Governor's desk](#) — April 23, 2026: passage and how the Governor's review period starts.

- [RegBase — State food additive patchwork, July 2026](#) — Not delivered to the Governor as of September 10, 2026; other states' GRAS bills in committee.

SET UP A SIGNAL ON YOUR QUESTION

A watch on your question runs every cycle.

These signals came from one cycle of a standing watch. Name a company, a market or a regulation, and the watch keeps running whether or not anyone opens the platform. Every signal arrives rated for confidence and horizon, with the dated events behind it and the sources that carry the weight.

See all the samples and tell us your question at ezassi.com/ezassi-signals-sample-library.

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