

THE INSIDE SCOOP ON HOW CR IS WORKING BEHIND THE SCENES FOR A SAFE AND HEALTHY FOOD SYSTEM

What Does an Extended Government Shutdown Mean for Food Safety?

With the government shutdown now lasting several weeks, concerns continue to grow over the ability of the U.S. Department of Agriculture and the Food and Drug Administration to effectively monitor the food supply. While these federal agencies are still addressing urgent food safety matters, the underlying regulatory infrastructure becomes weaker with each passing week.

Consumer Reports Advocacy spoke with former FDA officials who were part of previous government shutdowns, and they expressed concern over the low employee morale that can result from an extended shutdown. And in this case, staffers were already dealing with significant cuts to staffing and resources previously made at public health agencies. The threat of not getting paid, and with many people living paycheck to paycheck, can lead to increased sick days and work slowdowns. The immediate impact may not be a sudden and dramatic increase in foodborne illness outbreaks. However, the long-term consequences could be very troubling. Sandy Eskin, CEO of [STOP](#) Foodborne Illness, likened it to a game of Jenga: as each block gets removed, it's only a matter of time before the tower crumbles.

Our friends at the Center for Science in the Public Interest have [more details](#) on what happens to food safety during a government shutdown.

California Governor Signs Legislation Addressing Harmful Ultra-Processed Foods

On Oct. 12, 2025, California Gov. Gavin Newsom [signed](#) bipartisan legislation that will ban unhealthy ultra-processed foods (UPFs) in public schools by 2035. The bill was cosponsored by Consumer Reports, the Environmental Working Group, and Eat Real.

The new law will define a UPF as a food product that is high in saturated fat, added sugar, or sodium, and contains one or more of certain industrial ingredients, including colors, flavors, sweeteners, emulsifiers, or thickening agents. The law also instructs experts at the California Department of Public Health to identify a subcategory of especially harmful UPFs to be phased out of public schools.

The Next Big Food Fight: Industry Seeks to Block State Food Laws

The signing of the California UPF bill is the latest in a series of measures taken by states to enact important food safety measures, such as removing synthetic dyes and other toxic chemicals from foods. States have acted due to frustration over the FDA's inability to address these issues in a meaningful way over the past few decades. Pressure from the Make America Healthy Again (MAHA) initiative has also provided momentum.

The state legislative activity has caused much consternation in the food industry, which argues that a patchwork of state laws makes it difficult for them to operate effectively. However, in many cases, the companies already have versions of their products that do not contain the dyes and chemicals covered by the state laws because the same substances are banned in other countries where they do business.

Several key food companies and industry trade associations have formed a coalition called Americans for Ingredient Transparency, which has launched a multi-million-dollar lobbying and advertising campaign to urge Congress to pass federal legislation that would block these important state laws on food chemicals. "It's disappointing to see these industry groups investing millions of dollars on high-priced lobbyists and ad campaigns to mislead consumers and policymakers instead of listening to consumers and removing toxic ingredients from their products," Consumer Reports Advocacy said in a [statement](#).

Below are just a few of the numerous **state laws that the food industry is targeting for elimination**.

Arizona
A law passed in 2025 that bans certain synthetic food dyes and chemicals from food served in public schools.
California
In addition to the harmful UPFs law referenced above, the food industry is seeking to eliminate three other recent California laws: • The California Food Safety Act passed in 2023 which bans four toxic chemicals from all food sold in the state. • A law passed in 2023 that requires baby food manufacturers to test for lead and other toxic elements, and disclose the results. • The California School Food Safety Act passed in 2024 which bans synthetic food dyes from food served in schools.
Louisiana
A law passed in 2025 that bans certain synthetic food dyes and chemicals from foods served in schools. This law also requires warning labels for over 40 chemicals in all foods.
Texas
A law passed in 2025 that bans certain synthetic food dyes and chemicals from foods served in schools, and also requires warning labels for a number of chemicals in all foods.
West Virginia
A law passed in 2025 that bans certain synthetic food dyes and chemicals from all foods sold in the state.

Lead in Baby Food: What About Dietary Supplements?

As part of our continued partnership with [Unleaded Kids](#), Consumer Reports followed up on its [investigation](#) into whether baby food companies are disclosing test results for lead, arsenic, cadmium, and mercury on their websites by examining whether dietary supplement manufacturers were following suit. The supplements industry was successful in enacting legislation in California that exempted them from disclosing these test

results. However, identical testing and disclosure laws enacted in other states do not include this exemption.

We contacted 20 supplement brands that appeared to be selling foods geared towards babies and toddlers and [found](#) only three were disclosing test results. Six others did not appear to be making this information available, and the rest indicated their products were not intended for children younger than two years.

On a related note, California Gov. Newsom recently signed into law a measure [supported](#) by Consumer Reports that requires manufacturers to test for heavy metals in prenatal vitamins and make the results publicly available.

The Problem With Industry's Response to CR's Protein Powder Investigation

Recently, CR published the results of its [investigation](#) into heavy metal levels in protein powders and shakes, and found many had very high levels



of lead. Some manufacturers— in an attempt to convey regulatory credibility—claimed that their products did not exceed the FDA's "interim reference level" (IRL). However, this is very misleading because, as stated in the article, the IRLs are estimates, not regulations or action levels designed to protect against potential health harms. It highlights the need for the FDA to set strict limits on heavy metals in protein powders. Through our [petition](#), CR is urging the FDA to do so.

Lack of Transparency on Foodborne Illness Outbreaks (cont.)

The FDA recently closed two Salmonella outbreaks and [released](#) information with some details. Unfortunately, much of the information was redacted, including names of restaurants, stores, or growers that were associated with the outbreak.