

119TH CONGRESS
2D SESSION

S. 5026

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing high-intensity sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children

IN THE SENATE OF THE UNITED STATES

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing high-intensity sweeteners, ultra-processed foods, and foods high in nutrients of concern, such as added sugar, saturated fat, or sodium, to restrict junk food advertising to children

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Childhood Diabetes Reduction Act of 2026”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

Sec. 101. Health warning labeling of foods; restriction on certain advertisements directed at children.

Sec. 102. National Institutes of Health research on nutrition science.

Sec. 103. Nutrition and physical activity public education campaign.

TITLE II—FEDERAL TRADE COMMISSION

Sec. 201. Definitions.

Sec. 202. Restrictions on advertisements for junk food directed at children; required disclosure of any health and nutrient warning label in advertisements.

Sec. 203. Restoring the Federal Trade Commission's ability to promulgate rules on children's advertising.

TITLE I—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 101. HEALTH WARNING LABELING OF FOODS; RE- STRICTION ON CERTAIN ADVERTISEMENTS DIRECTED AT CHILDREN.

(a) FRONT OF PACKAGE NUTRITION LABELING.—

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended—

(1) by adding at the end the following:

“(z)(1) If it is a sugar-sweetened beverage intended for human consumption and is offered for sale, unless its label includes the following statement: ‘Food and Drug Administration Warning: Drinking beverages with added sugar can contribute to obesity, type 2 diabetes, and tooth decay. Not recommended for children.’, and such statement is—

“(A) enclosed by a rectangular border in bold type and readily legible under ordinary conditions

1 alongside an icon comprised of an exclamation point
2 contained within a triangle; and

3 “(B) prominently displayed on the front, or the
4 principal display, of the container, using not less
5 than 5 percent of the area of the front, or the prin-
6 cipal display, of the container, and, as applicable, on
7 2 sides of any multi-pack packaging.

8 “(2) If it is a food, including a beverage, containing
9 any high-intensity sweetener intended for human con-
10 sumption and is offered for sale, unless its label includes
11 the following statement: ‘Food and Drug Administration
12 Warning: Contains high-intensity sweetener. Not rec-
13 ommended for children.’, and such statement is—

14 “(A) enclosed by a rectangular border in bold
15 type and readily legible under ordinary conditions
16 alongside an icon comprised of an exclamation point
17 contained within a triangle; and

18 “(B) prominently displayed on the front, or the
19 principal display, of the container, using not less
20 than 5 percent of the area of the front, or the prin-
21 cipal display, of the container, and, as applicable, on
22 2 sides of any multi-pack packaging.

23 “(3) If it is an ultra-processed food, including a bev-
24 erage, intended for human consumption and is offered for
25 sale, unless its label includes the following statement:

1 'Food and Drug Administration Warning: Consuming
2 ultra-processed foods and drinks can cause weight gain,
3 which increases the risk of obesity and type 2 diabetes.',
4 and such statement is—

5 “(A) enclosed by a rectangular border in bold
6 type and readily legible under ordinary conditions
7 alongside an icon comprised of an exclamation point
8 contained within a triangle; and

9 “(B) prominently displayed on the front, or the
10 principal display, of the container, using not less
11 than 5 percent of the area of the front, or the prin-
12 cipal display, of the container, and, as applicable, on
13 2 sides of any multi-pack packaging.

14 “(4) If it is a food, including a beverage, intended
15 for human consumption and is offered for sale, and such
16 food contains a nutrient of concern, such as added sugar,
17 saturated fat, or sodium, or any other nutrient of concern,
18 as the Secretary determines appropriate, at a level that
19 increases, for individuals in the general population, the
20 risk of disease or a health-related condition, as defined
21 by the Secretary, unless its label includes the following
22 statement for each nutrient of concern: ‘High in’, followed
23 by the specific nutrient of concern, and such statement
24 is—

1 “(A) enclosed by an octagon border in bold type
2 and readily legible under ordinary conditions; and

3 “(B) prominently displayed on the front, or the
4 principal display, of the container, using not less
5 than 5 percent of the area of the front, or the prin-
6 cipal display, of the container, and, as applicable, on
7 2 sides of any multi-pack packaging.

8 “(5) The Secretary shall promulgate regulations to
9 apply the labeling requirements under subparagraphs (1),
10 (2), (3), and (4) with respect to food offered for sale by
11 online retailers.

12 “(6) For purposes of this paragraph—

13 “(A) the term ‘high-intensity sweetener’—

14 “(i) means any synthetic, naturally-occur-
15 ring, or modified non-nutritive sweetener that is
16 not classified as sugar and is used as an ingre-
17 dient in manufactured food, or sold on its own
18 to be added to food; and

19 “(ii) includes acesulfame K, aspartame,
20 advantame, cyclamates, monk fruit, neotame,
21 saccharin, sucralose, stevia, and stevia deriva-
22 tives;

23 “(B) the term ‘sugar-sweetened beverage’—

24 “(i) means any beverage intended for
25 human consumption to which one or more ca-

1 loric sweeteners has been added and that con-
2 tains 25 or more calories per 12 fluid ounces of
3 beverage; and

4 “(ii) includes drinks and beverages com-
5 monly referred to as ‘soda’, ‘pop’, ‘cola’, ‘soft
6 drinks’, ‘sports drinks’, ‘energy drinks’,
7 ‘slushies’, ‘sweetened ice tea’, ‘fruit juice’, or
8 any other drinks and beverage, as determined
9 by the Secretary; and

10 “(iii) does not include—

11 “(I) infant formula;

12 “(II) any beverage for medical use;

13 “(III) any beverage designed as sup-
14 plemental, meal replacement, or sole-source
15 nutrition that includes proteins, carbo-
16 hydrates, and multiple vitamins and min-
17 erals;

18 “(IV) any milk product;

19 “(V) 100 percent natural fruit or veg-
20 etable juice; or

21 “(VI) any alcoholic beverage; and

22 “(C) the term ‘ultra-processed food’—

23 “(i) means a food, including a beverage,
24 containing one or more industrial ingredients,
25 including surface-active agents, stabilizers and

1 thickeners, propellants, aerating agents and
2 gases, color and coloring adjuncts, emulsifiers
3 and emulsifier salts, flavoring agents and adju-
4 vants, flavor enhancers, surface-finishing, high-
5 intensity sweeteners, and other ingredients, as
6 the Secretary determines appropriate; and

7 “(ii) does not include—

8 “(I) any product that meets the defi-
9 nition of ‘healthy’ set forth in current reg-
10 ulations promulgated by the Food and
11 Drug Administration; or

12 “(II) infant formula.” and

13 (2) in paragraph (r)—

14 (A) in subparagraph (2)(A)(vi), by insert-
15 ing “, including if the Secretary determines
16 that the food is high in added sugar, saturated
17 fat, sodium, or any other nutrient of concern
18 (as determined by the Secretary pursuant to
19 paragraph (z)(4)), or if the food contains high-
20 intensity sweetener or is an ultra-processed food
21 (as defined in paragraph (z)(6)(C))” before the
22 period at the end; and

23 (B) in subparagraph (3)(A)—

24 (i) in subclause (i), by striking “,
25 and” and inserting a semicolon;

1 (ii) in subclause (ii), by striking the
2 period and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(iii) if the food is not required to include a nu-
6 trition warning label under subparagraph (1), (2),
7 (3), or (4) of paragraph (z).”.

8 (b) ADVERTISING.—Section 301 of the Federal Food,
9 Drug, and Cosmetic Act (21 U.S.C. 331) is amended by
10 adding at the end the following:

11 “(jjj)(1) Marketing or advertising a food for which
12 labeling is required under section 403(z), in a manner that
13 reasonably appears to be directed at children.

14 “(2) In determining whether any marketing or adver-
15 tising reasonably appears to be directed to children for
16 purposes of subparagraph (1), the Secretary shall consider
17 the totality of the circumstances, including whether such
18 marketing or advertising uses themes or promotional
19 strategies for food described in section 403(z) that appeal
20 to children, such as the use of fun or fantasy themes, ath-
21 letes and celebrities, cross-promotions using fictional char-
22 acters, cartoon characters, social media influencers, ani-
23 mation, children’s music, actors, or situations representing
24 children’s daily life, or free gifts or toys, contests, inter-
25 active games, or mobile or computer applications.”.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary of Health
3 and Human Services \$5,000,000 for each of fiscal years
4 2027 through 2031 for purposes of promulgating regula-
5 tions and carrying out enforcement activities with respect
6 to the labeling requirements under the amendments made
7 by subsections (a) and (b).

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect 1 year after the date of enact-
10 ment of this Act.

11 **SEC. 102. NATIONAL INSTITUTES OF HEALTH RESEARCH**
12 **ON NUTRITION SCIENCE.**

13 Part A of title IV of the Public Health Service Act
14 (42 U.S.C. 281 et seq.) is amended by adding at the end
15 the following:

16 **“SEC. 404P. RESEARCH AND COLLABORATION ON NUTRI-**
17 **TION SCIENCE.**

18 “(a) IN GENERAL.—The Director of NIH shall ex-
19 pand, intensify, and coordinate programs, such as the Nu-
20 trition Regulatory Science Program, for the conduct and
21 support of research with respect to nutrition science, in-
22 cluding research on—

23 “(1) the health effects of ultra-processed foods
24 on consumers;

1 “(2) the specific food and beverage ingredients,
2 additives, sweeteners, and chemicals within ultra-
3 processed foods that may be harmful to health;

4 “(3) the safety profile of food and beverage in-
5 gredients, additives, sweeteners, and chemicals that
6 have been self-affirmed by food and beverage manu-
7 facturers as generally recognized as safe without re-
8 view of such status by the Food and Drug Adminis-
9 tration; and

10 “(4) the formulation of ultra-processed foods to
11 have hyper-palatable qualities and association with
12 addiction.

13 “(b) MEETINGS ON NUTRITION.—

14 “(1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of the Childhood Diabetes Re-
16 duction Act of 2026, and every 5 years thereafter,
17 the Director of NIH, in coordination with the Com-
18 missioner of Food and Drugs and the heads of other
19 agencies, as appropriate, shall convene a public
20 meeting for the purpose of discussing research ef-
21 forts aimed at improving nutrition and reducing the
22 incidence of diet-related chronic disease, with the
23 goal of informing Federal policy.

24 “(2) PARTICIPANTS.—

1 “(A) IN GENERAL.—Each meeting under
2 paragraph (1) shall involve a diverse group of
3 stakeholders, including food scientists and re-
4 searchers, registered dietitians and nutrition-
5 ists, clinicians specializing in nutrition-related
6 diseases, Federal stakeholders, and nongovern-
7 mental organizations focused on nutrition and
8 health.

9 “(B) CONSIDERATION.—In selecting stake-
10 holders described in subparagraph (A) for par-
11 ticipation in each meeting under paragraph (1),
12 the Director of NIH shall ensure that stake-
13 holders who are speaking at the meeting have
14 no financial affiliation with manufacturers of
15 ultra-processed food.

16 “(3) TOPICS.—Each meeting under paragraph
17 (1) shall include discussion of—

18 “(A) current research findings related to
19 nutrition and chronic disease, including the im-
20 pact of food labeling requirements under section
21 403(z) of the Federal Food, Drug, and Cos-
22 metic Act;

23 “(B) any gaps in such research and prior-
24 ities for future research;

1 “(C) evidence-based practices for improv-
2 ing nutrition and innovative approaches to pre-
3 vent and manage chronic conditions through di-
4 etary innovations; and

5 “(D) such other topics as the Director of
6 NIH determines appropriate.

7 “(4) REPORT TO CONGRESS.—The Director
8 NIH, in coordination with the Commissioner of
9 Food and Drugs, shall submit a report on each
10 meeting under paragraph (1) to the Committee on
11 Health, Education, Labor, and Pensions of the Sen-
12 ate and the Committee on Energy and Commerce of
13 the House of Representatives, and shall make each
14 such report publicly available on the website of the
15 National Institutes of Health.

16 “(e) DEFINITION.—In this section, the term ‘ultra-
17 processed food’ has the meaning given such term in sec-
18 tion 403(z)(6) of the Federal Food, Drug, and Cosmetic
19 Act.

20 “(d) AUTHORIZATION OF APPROPRIATIONS.—For the
21 purpose of carrying out this section, there are authorized
22 to be appropriated \$60,000,000 for each fiscal years 2027
23 through 2031.”.

1 **SEC. 103. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
2 **EDUCATION CAMPAIGN.**

3 Title III of the Public Health Service Act (42 U.S.C.
4 241 et seq.) is amended by striking section 399Y and in-
5 serting the following:

6 **“SEC. 399Y. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
7 **EDUCATION CAMPAIGN.**

8 “(a) IN GENERAL.—The Secretary, acting through
9 the Director of the Centers for Disease Control and Pre-
10 vention, and in collaboration with national, State, Tribal,
11 and local partners, physical activity organizations, nutri-
12 tion experts, physical activity experts, health professional
13 organizations, and other organizations, as appropriate,
14 shall develop a national public campaign to educate the
15 public, including adults, children, and caregivers, con-
16 cerning—

17 “(1) how to read and understand the nutrient
18 warning labels required under subparagraphs (1)
19 through (4) of section 403(z) of the Federal Food,
20 Drug, and Cosmetic Act;

21 “(2) the health risks associated with obesity, in-
22 activity, and poor nutrition, including consumption
23 of foods described in subparagraphs (1) through (4)
24 of section 403(z) of the Federal Food, Drug, and
25 Cosmetic Act;

1 “(3) ways to incorporate physical activity into
2 daily living;

3 “(4) ways to support a healthy lifestyle and re-
4 duce the risk of chronic illness, including obesity;

5 “(5) the benefits of good nutrition; and

6 “(6) strategies to improve eating and drinking
7 habits, such as identifying and selecting healthier
8 food choices and reducing consumption of added
9 sugars, saturated fat, and sodium.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$10,000,000 for each of the fiscal years 2027 through
13 2031.”.

14 **TITLE II—FEDERAL TRADE** 15 **COMMISSION**

16 **SEC. 201. DEFINITIONS.**

17 In this title:

18 (1) CHILD.—The term “child” means an indi-
19 vidual who is under the age of 13.

20 (2) CHILD-DIRECTED ADVERTISING.—The term
21 “child-directed advertising” means any advertise-
22 ment—

23 (A) that uses themes or promotional strat-
24 egies that appeal to children, which may include
25 the use of—

1 (i) fun or fantasy themes, cartoon
2 characters, social media influencers, ani-
3 mation, endorsements by celebrities and
4 athletes, cross-promotions using fictional
5 characters, children's music, actors, or sit-
6 uations representing children's daily life; or

7 (ii) free gifts or toys, contests, inter-
8 active games, or mobile or computer appli-
9 cations; or

10 (B) in media for which children comprise
11 at least 30 percent of the audience, as deter-
12 mined by the Commission, that is displayed
13 using—

14 (i) traditional measured media, such
15 as television, radio, and printed media; or

16 (ii) electronic media, content created
17 by influencers, online videos, company-
18 sponsored websites, social media, movies,
19 and video games.

20 (3) COMMISSION.—The term “Commission”
21 means the Federal Trade Commission.

22 (4) JUNK FOOD.—The term “junk food” means
23 products with labeling requirements described in
24 subparagraph (1), (2), (3), or (4) of paragraph (z)
25 of section 403 of the Federal Food, Drug, and Cos-

1 metie Act (21 U.S.C. 343), as added by section
2 101(a) of this Act.

3 **SEC. 202. RESTRICTIONS ON ADVERTISEMENTS FOR JUNK**
4 **FOOD DIRECTED AT CHILDREN; REQUIRED**
5 **DISCLOSURE OF ANY HEALTH AND NUTRIENT**
6 **WARNING LABEL IN ADVERTISEMENTS.**

7 (a) MARKETING OR ADVERTISING JUNK FOOD TO
8 CHILDREN.—

9 (1) IN GENERAL.—It shall be unlawful for any
10 person to market or advertise, or produce or dis-
11 tribute any advertisement or marketing material for,
12 junk food by using child-directed advertising.

13 (2) CONSIDERATIONS.—In determining whether
14 any marketing or advertising uses child-directed ad-
15 vertising for purposes of subparagraph (A), the
16 Commission shall consider the totality of the cir-
17 cumstances.

18 (b) REQUIRED DISCLOSURE.—It shall be unlawful
19 for any person to market or advertise, or produce or dis-
20 tribute any advertisement or marketing material for, junk
21 food without including in such advertisement or marketing
22 material the relevant mandatory health or nutrient warn-
23 ing label or notice described in section 403(z) of the Fed-
24 eral Food, Drug, and Cosmetic Act (21 U.S.C. 343(z)).

1 (c) EFFECTIVE DATE.—The prohibitions established
2 in this section shall take effect on the date that is 1 year
3 after the date of enactment of this Act.

4 (d) ENFORCEMENT BY THE COMMISSION.—

5 (1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this section or a regulation
6 promulgated under this section shall be treated as a
7 violation of a rule defining an unfair or deceptive act
8 or practice under section 18(a)(1)(B) of the Federal
9 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).
10

11 (2) POWERS OF THE COMMISSION.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (C), the Commission shall enforce
14 this section in the same manner, by the same
15 means, and with the same jurisdiction, powers,
16 and duties as though all applicable terms and
17 provisions of the Federal Trade Commission
18 Act (15 U.S.C. 41 et seq.) were incorporated
19 into and made a part of this section.

20 (B) PRIVILEGES AND IMMUNITIES.—Ex-
21 cept as provided in subparagraph (C), any per-
22 son who violates this section or a regulation
23 promulgated under this section shall be subject
24 to the penalties and entitled to the privileges

1 and immunities provided in the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.).

3 (C) COMMON CARRIERS.—Notwithstanding
4 section 4, 5(a)(2), or 6 of the Federal Trade
5 Commission Act (15 U.S.C. 44, 45(a)(2), 46)
6 or any jurisdictional limitation of the Commis-
7 sion, the Commission shall also enforce this
8 Act, in the same manner provided in subpara-
9 graphs (A) and (B), with respect to common
10 carriers subject to the Communications Act of
11 1934 (47 U.S.C. 151 et seq.) and Acts amend-
12 atory thereof and supplementary thereto.

13 (D) AUTHORITY PRESERVED.—Nothing in
14 this section shall be construed to limit the au-
15 thority of the Commission under any other pro-
16 vision of law.

17 (E) RULEMAKING.—The Commission shall
18 promulgate in accordance with section 553 of
19 title 5, United States Code, such rules as may
20 be necessary to carry out this section.

21 **SEC. 203. RESTORING THE FEDERAL TRADE COMMISSION'S**
22 **ABILITY TO PROMULGATE RULES ON CHIL-**
23 **DREN'S ADVERTISING.**

24 (a) IN GENERAL.—Section 18(h) of the Federal
25 Trade Commission Act (15 U.S.C. 57a(h)) is repealed.

1 (b) CONFORMING AMENDMENT.—Section 18(a)(1) of
2 such Act is amended in the matter preceding subpara-
3 graph (A), by striking “Except as provided in subsection
4 (h), the Commission” and inserting “The Commission”.