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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing non-sugar 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, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BEYER introduced the following bill; which was referred to the Committee
on _____

A BILL

To require warning labels on sugar-sweetened foods and beverages, foods and beverages containing non-sugar 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, and for other purposes.

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

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

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Childhood Diabetes Reduction Act of 2024”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 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 advertise-
ments 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; re-
quired 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.

6 **TITLE I—DEPARTMENT OF**
7 **HEALTH AND HUMAN SERVICES**

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

11 (a) **HEALTH WARNING LABELING.**—Section 403 of
12 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
13 343) is amended—

14 (1) by adding at the end the following:

15 “(z)(1) If it is a sugar-sweetened beverage intended
16 for human consumption and is offered for sale, unless its
17 label includes the following statement: ‘Food and Drug
18 Administration Warning: Drinking beverages with added

1 sugar can contribute to obesity, type-2 diabetes, and tooth
2 decay. Not recommended for children.’, and such state-
3 ment is—

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

8 “(B) prominently displayed on the front, or the
9 principal display, of the container, using not less
10 than 5 percent of the area of the front, or the prin-
11 cipal display, of the container, and, as applicable, on
12 2 sides of any multi-pack packaging or on the exte-
13 rior of any vending machine or self-service machine
14 from which the beverage is available.

15 “(2) If it is a food, including a beverage, containing
16 any non-sugar sweetener intended for human consumption
17 and is offered for sale, unless its label includes the fol-
18 lowing statement: ‘Food and Drug Administration Warn-
19 ing: Contains non-sugar sweeteners. Not recommended for
20 children.’, and such statement is—

21 “(A) enclosed by a rectangular border in bold
22 type and readily legible under ordinary conditions
23 alongside an icon comprised of an exclamation point
24 contained within a triangle; and

1 “(B) prominently displayed on the front, or the
2 principal display, of the container, using not less
3 than 5 percent of the area of the front, or the prin-
4 cipal display, of the container, and, as applicable, on
5 2 sides of any multi-pack packaging or on the exte-
6 rior of any vending machine or self-service machine
7 from which the food is available.

8 “(3) If it is an ultra-processed food, including a bev-
9 erage, intended for human consumption and is offered for
10 sale, unless its label includes the following statement:
11 ‘Food and Drug Administration Warning: Consuming
12 ultra-processed foods and drinks can cause weight gain,
13 which increases the risk of obesity and type-2 diabetes.’,
14 and such statement is—

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

19 “(B) prominently displayed on the front, or the
20 principal display, of the container, using not less
21 than 5 percent of the area of the front, or the prin-
22 cipal display, of the container, and, as applicable, on
23 2 sides of any multi-pack packaging or on the exte-
24 rior of any vending machine or self-service machine
25 from which the food is available.

1 “(4) If it is a food, including a beverage, intended
2 for human consumption and is offered for sale, and such
3 food contains a nutrient of concern, such as added sugar,
4 saturated fat, or sodium, or any other nutrient of concern,
5 as the Secretary determines appropriate, at a level that
6 increases, for individuals in the general population, the
7 risk of disease or a health-related condition, as defined
8 by the Secretary, unless its label includes the following
9 statement for each nutrient of concern: ‘High in’, followed
10 by the specific nutrient of concern, and such statement
11 is—

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

14 “(B) prominently displayed on the front, or the
15 principal display, of the container, using not less
16 than 5 percent of the area of the front, or the prin-
17 cipal display, of the container, and, as applicable, on
18 2 sides of any multi-pack packaging or on the exte-
19 rior of any vending machine or self-service machine
20 from which the food is available.

21 “(5) The Secretary shall promulgate regulations to
22 apply the labeling requirements under subparagraphs (1),
23 (2), (3), and (4) with respect to food offered for sale by
24 online retailers.

25 “(6) For purposes of this paragraph—

1 “(A) the term ‘non-sugar sweetener’—

2 “(i) means any synthetic, naturally-occur-
3 ring, or modified non-nutritive sweetener that is
4 not classified as sugar and is used as an ingre-
5 dient in manufactured food, or sold on its own
6 to be added to food; and

7 “(ii) includes acesulfame K, aspartame,
8 advantame, cyclamates, monk fruit, neotame,
9 saccharin, sucralose, stevia, and stevia deriva-
10 tives;

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

12 “(i) means any beverage intended for
13 human consumption to which one or more ca-
14 loric sweeteners has been added and that con-
15 tains 25 or more calories per 12 fluid ounces of
16 beverage; and

17 “(ii) includes drinks and beverages com-
18 monly referred to as ‘soda’, ‘pop’, ‘cola’, ‘soft
19 drinks’, ‘sports drinks’, ‘energy drinks’,
20 ‘slushies’, ‘sweetened ice tea’, ‘fruit juice’, or
21 any other drinks and beverage; and

22 “(iii) does not include—

23 “(I) infant formula or oral rehydra-
24 tion fluids for children;

25 “(II) any beverage for medical use;

1 “(III) any beverage designed as sup-
2 plemental, meal replacement, or sole-source
3 nutrition that includes proteins, carbo-
4 hydrates, and multiple vitamins and min-
5 erals;

6 “(IV) any milk product;

7 “(V) 100 percent natural fruit or veg-
8 etable juice with no added caloric or non-
9 sugar sweetener; or

10 “(VI) any alcoholic beverage; and

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

12 “(i) for the period before the effective date
13 of the regulations under subclause (ii), means a
14 food, including a beverage, containing one or
15 more industrial ingredients, including surface-
16 active agents, stabilizers and thickeners, propel-
17 lants, aerating agents and gases, color and
18 coloring adjuncts, emulsifiers and emulsifier
19 salts, flavoring agents and adjuvants, flavor
20 enhancers, surface-finishing, non-sugar sweet-
21 eners, and other ingredients, as the Secretary
22 determines appropriate; and

23 “(ii) has the meaning given such term in
24 regulations promulgated by the Secretary, not
25 later than 1 year after the National Academies

1 of Science, Engineering, and Medicine issues a
2 report pursuant to section 201(c) of the Child-
3 hood Diabetes Reduction Act of 2024, taking
4 into consideration the recommendations in-
5 cluded in such report, for the period beginning
6 on the effective date of such regulations.” and
7 (2) in paragraph (r)—

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

17 (B) in subparagraph (3)(A)—

18 (i) in subclause (i), by striking “,
19 and” and inserting a semicolon;

20 (ii) in subclause (ii), by striking the
21 period and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

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

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

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

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

22 (c) NASEM REVIEW.—The Secretary of Health and
23 Human Services (referred to in this subsection as the
24 “Secretary”) shall seek to enter into a contract with the
25 National Academies of Science, Engineering, and Medicine

1 (referred to in this subsection as the “National Acad-
2 emies”) under which the National Academies—

3 (1) convenes a committee of experts in the field
4 of nutrition science to review the science of ultra-
5 processed food (as defined in paragraph (z)(6)(C) of
6 section 403 of the Federal Food, Drug, and Cos-
7 metic Act (21 U.S.C. 343)), as added by subsection
8 (a);

9 (2) develops recommendations for defining the
10 term “ultra-processed food” for purposes of para-
11 graph (z)(6)(C)(ii) of section 403 of the Federal
12 Food, Drug, and Cosmetic Act, as added by sub-
13 section (a); and

14 (3) not later than 1 year after the date of en-
15 actment of this Act, submits to the Secretary a re-
16 port that includes the recommendations developed
17 under paragraph (2).

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary of Health
20 and Human Services \$5,000,000 for each of fiscal years
21 2025 through 2029 for purposes of promulgating regula-
22 tions and carrying out enforcement activities with respect
23 to the labeling requirements under the amendments made
24 by subsections (a) and (b).

1 **SEC. 102. NATIONAL INSTITUTES OF HEALTH RESEARCH**
2 **ON NUTRITION SCIENCE.**

3 Part A of title IV of the Public Health Service Act
4 (42 U.S.C. 281 et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 404P. RESEARCH AND COLLABORATION ON NUTRI-**
7 **TION SCIENCE.**

8 “(a) IN GENERAL.—The Director of NIH shall ex-
9 pand, intensify, and coordinate programs for the conduct
10 and support of research with respect to nutrition science,
11 including research on—

12 “(1) the health effects of ultra-processed foods
13 on consumers;

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

17 “(3) the safety profile of food and beverage in-
18 gredients, additives, sweeteners, and chemicals that
19 have been self-affirmed by food and beverage manu-
20 facturers as generally recognized as safe without re-
21 view of such status by the Food and Drug Adminis-
22 tration; and

23 “(4) the formulation of ultra-processed foods to
24 have hyper-palatable qualities and association with
25 addiction.

26 “(b) MEETINGS ON NUTRITION.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of the Childhood Diabetes Re-
3 duction Act of 2024, and every 5 years thereafter,
4 the Director of NIH, in coordination with the Com-
5 missioner of Food and Drugs, shall convene a public
6 meeting for the purpose of discussing research ef-
7 forts aimed at improving nutrition and reducing the
8 incidence of diet-related chronic disease, with the
9 goal of informing Federal policy.

10 “(2) PARTICIPANTS.—

11 “(A) IN GENERAL.—Each meeting under
12 paragraph (1) shall involve a diverse group of
13 stakeholders, including food scientists and re-
14 searchers, registered dietitians and nutrition-
15 ists, clinicians specializing in nutrition-related
16 diseases, Federal stakeholders, and nongovern-
17 mental organizations focused on nutrition and
18 health.

19 “(B) CONSIDERATION.—In selecting stake-
20 holders described in subparagraph (A) for par-
21 ticipation for each meeting under paragraph
22 (1), the Director of NIH, in coordination with
23 the Commissioner of Food and Drugs, shall en-
24 sure that stakeholders who have no financial af-

1 filiation with manufacturers of ultra-processed
2 food make up the majority of participants.

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

5 “(A) current research findings related to
6 nutrition and chronic disease, including the im-
7 pact of food labeling requirements under section
8 403(z) of the Federal Food, Drug, and Cos-
9 metic Act;

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

12 “(C) evidenced-based practices for improv-
13 ing nutrition and innovative approaches to pre-
14 vent and manage chronic conditions through di-
15 etary innovations; and

16 “(D) such other topics as the Director of
17 NIH, in coordination with the Commissioner of
18 Food and Drugs, determines appropriate.

19 “(4) REPORT TO CONGRESS.—The Director
20 NIH, in coordination with the Commissioner of
21 Food and Drugs, shall submit a report on each
22 meeting under paragraph (1) to the Committee on
23 Health, Education, Labor, and Pensions of the Sen-
24 ate and the Committee on Energy and Commerce of
25 the House of Representatives, and shall make each

1 such report publicly available on the website of the
2 National Institutes of Health.

3 “(c) DEFINITION.—In this section, the term ‘ultra-
4 processed food’ has the meaning given such term in sec-
5 tion 403(z)(6) of the Federal Food, Drug, and Cosmetic
6 Act.

7 “(d) AUTHORIZATION OF APPROPRIATIONS.—For the
8 purpose of carrying out this section, there are authorized
9 to be appropriated \$60,000,000 for each fiscal years 2025
10 through 2029.”.

11 **SEC. 103. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
12 **EDUCATION CAMPAIGN.**

13 Title III of the Public Health Service Act (42 U.S.C.
14 241 et seq.) is amended by striking section 399Y and in-
15 serting the following:

16 **“SEC. 399Y. NUTRITION AND PHYSICAL ACTIVITY PUBLIC**
17 **EDUCATION CAMPAIGN.**

18 “(a) IN GENERAL.—The Secretary, acting through
19 the Director of the Centers for Disease Control and Pre-
20 vention, and in collaboration with national, State, Tribal,
21 and local partners, physical activity organizations, nutri-
22 tion experts, physical activity experts, health professional
23 organizations, and other organizations, as appropriate,
24 shall develop a national public campaign to educate chil-
25 dren and their caregivers concerning—

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

5 “(2) the health risks associated with obesity, in-
6 activity, and poor nutrition, including consumption
7 of foods described in subparagraphs (1) through (4)
8 of section 403(z) of the Federal Food, Drug, and
9 Cosmetic Act;

10 “(3) ways to incorporate physical activity into
11 daily living;

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

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

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

19 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$10,000,000 for each of the fiscal years 2025 through
22 2029.”.

1 **TITLE II—FEDERAL TRADE**
2 **COMMISSION**

3 **SEC. 201. DEFINITIONS.**

4 In this title:

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

7 (2) CHILD-DIRECTED ADVERTISING.—The term
8 “child-directed advertising” means any advertise-
9 ment—

10 (A) that uses themes or promotional strat-
11 egies that appeal to children, which may include
12 the use of—

13 (i) fun or fantasy themes, cartoon
14 characters, social media influencers, ani-
15 mation, endorsements by celebrities and
16 athletes, cross-promotions using fictional
17 characters, children’s music, actors, or sit-
18 uations representing children’s daily life; or

19 (ii) free gifts or toys, contests, inter-
20 active games, or mobile or computer appli-
21 cations; or

22 (B) in media for which children comprise
23 at least 30 percent of the audience, as deter-
24 mined by the Commission, that is displayed
25 using—

- 1 (i) traditional measured media, such
2 as television, radio, and printed media; or
3 (ii) electronic media, content created
4 by influencers, online videos, company-
5 sponsored websites, social media, movies,
6 and video games.

7 (3) COMMISSION.—The term “Commission”
8 means the Federal Trade Commission.

9 (4) JUNK FOOD.—The term “junk food” means
10 products with labeling requirements described in
11 subparagraph (1), (2), (3), or (4) of paragraph (z)
12 of section 403 of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 343), as added by section
14 101(a) of this Act.

15 **SEC. 202. RESTRICTIONS ON ADVERTISEMENTS FOR JUNK**
16 **FOOD DIRECTED AT CHILDREN; REQUIRED**
17 **DISCLOSURE OF ANY HEALTH AND NUTRIENT**
18 **WARNING LABEL IN ADVERTISEMENTS.**

19 (a) **MARKETING OR ADVERTISING JUNK FOOD TO**
20 **CHILDREN.—**

21 (1) **IN GENERAL.—**It shall be unlawful for any
22 person to market or advertise, or produce or dis-
23 tribute any advertisement or marketing material for,
24 junk food by using child-directed advertising.

1 (2) CONSIDERATIONS.—In determining whether
2 any marketing or advertising uses child-directed ad-
3 vertising for purposes of subparagraph (A), the
4 Commission shall consider the totality of the cir-
5 cumstances.

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

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

16 (d) ENFORCEMENT BY THE COMMISSION.—

17 (1) UNFAIR OR DECEPTIVE ACT OR PRAC-
18 TICE.—A violation of this section or a regulation
19 promulgated under this section shall be treated as a
20 violation of a rule defining an unfair or deceptive act
21 or practice under section 18(a)(1)(B) of the Federal
22 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

23 (2) POWERS OF THE COMMISSION.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (C), the Commission shall enforce

1 this section in the same manner, by the same
2 means, and with the same jurisdiction, powers,
3 and duties as though all applicable terms and
4 provisions of the Federal Trade Commission
5 Act (15 U.S.C. 41 et seq.) were incorporated
6 into and made a part of this section.

7 (B) PRIVILEGES AND IMMUNITIES.—Ex-
8 cept as provided in subparagraph (C), any per-
9 son who violates this section or a regulation
10 promulgated under this section shall be subject
11 to the penalties and entitled to the privileges
12 and immunities provided in the Federal Trade
13 Commission Act (15 U.S.C. 41 et seq.).

14 (C) COMMON CARRIERS.—Notwithstanding
15 section 4, 5(a)(2), or 6 of the Federal Trade
16 Commission Act (15 U.S.C. 44, 45(a)(2), 46)
17 or any jurisdictional limitation of the Commis-
18 sion, the Commission shall also enforce this
19 Act, in the same manner provided in subpara-
20 graphs (A) and (B), with respect to common
21 carriers subject to the Communications Act of
22 1934 (47 U.S.C. 151 et seq.) and Acts amend-
23 atory thereof and supplementary thereto.

24 (D) AUTHORITY PRESERVED.—Nothing in
25 this section shall be construed to limit the au-

1 thority of the Commission under any other pro-
2 vision of law.

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

7 **SEC. 203. RESTORING THE FEDERAL TRADE COMMISSION'S**
8 **ABILITY TO PROMULGATE RULES ON CHIL-**
9 **DREN'S ADVERTISING.**

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

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