



April 1, 2025

The Honorable Jesse Gabriel
California State Assembly
1021 O Street, Suite 8230
Sacramento, CA 95814

RE: Consumer Federation of America endorsement of **AB 1264** – Phasing Out Particularly Harmful Ultra-Processed Foods from California Schools

Dear Assemblymember Gabriel,

On behalf of Consumer Federation of America, I am writing to express our support for consumer protections proposed in your bill, AB 1264, which target “particularly harmful” ultra-processed foods (UPFs) in school meals. UPFs dominate the American diet, and growing research suggests these food products are driving the nation’s obesity epidemic. A full understanding of the mechanisms by which UPFs cause harm continues to evolve, but sufficient evidence now supports advice to limit UPFs in the diet, particularly among consumers struggling with diet-related disease. By targeting “particularly harmful” UPFs, AB 1264 will facilitate desirable reductions in UPF consumption that will in turn reduce diet-related disease.

As noted in CFA’s recent report, “Ultra-processed Foods: Why They Matter and What to Do About It,” a rapidly growing body of research links UPFs, as defined under the NOVA classification system, to a range of ills. Observational studies and at least one randomized controlled trial¹ indicate that UPFs contribute to overeating, with UPFs’ soft texture and modified food matrix, hyperpalatable formulations, and flavor additives effectively “hijacking” the brain and overriding satiety signals that prevent consumers from overindulging in less processed foods. At the same time, chemical additives in many UPFs appear to degrade the gut microbiome, disrupt the endocrine system, and even stymie healthy brain development.²

California must lead on safeguarding consumers from harmful UPFs. Unfortunately, federal regulators have failed to adequately address these harms despite, in some cases, decades of evidence indicating that a food additive poses an unreasonable risk. The U.S. Food and Drug Administration (FDA)

¹ Hall, K. D. (2019). *Ultra-processed diets cause excess calorie intake and weight gain: A one-month inpatient randomized controlled trial of ad libitum food intake.* <https://doi.org/10.31232/osf.io/w3zh2>

² Gremillion, McCann. “Ultra-processed Foods: Why They Matter and What to Do About It,” (Oct. 2024), available at: <https://consumerfed.org/reports/ultra-processed-foods-why-they-matter-and-what-to-do-about-it/>



took small steps to reign in some of the worst UPF abuses at the close of the Biden Administration, revoking authorizations, for example, of brominated vegetable oil (BVO) and red dye 3. Now, however, the chaos characterizing the second Trump Administration offers little hope that a coherent, much less comprehensive, federal policy on UPFs will emerge anytime soon.³ This leaves California—whose state Office of Environmental Health Hazard Assessment has the expertise, resources, and democratically accountable leadership to discern which UPFs pose the greatest harms to kids in school—as the nation’s *de facto* food regulator in-chief. For the sake of Californians and consumers across the United States, California legislators should not shirk this opportunity to demonstrate the power of public policy to improve public health.

Sincerely,

Thomas Gremillion
Director of Food Policy
Consumer Federation of America

³ See, e.g., Rebecca Pifer. “HHS begins layoffs in chaotic fashion,” *Biopharma Dive*, (April 1, 2025) available at: <https://www.biopharmadive.com/news/hhs-layoffs-notices-rif-restructuring-kennedy/744101/> citing criticism from former FDA officials including Commissioner Scott Gottlieb, who served as FDA Commissioner during the first Trump Administration.