Texas SB 25: What the Food-Warning Label Law Actually Requires, and Why a Federal Court Just Blocked It

If you sell packaged food or beverages in Texas, Senate Bill 25 has been at the top of compliance checklists since it passed, but the single biggest update is one many trackers have missed: a federal court has already enjoined the warning-label requirement. Here is what SB 25 actually says, who it exempts, where the litigation stands today, and what that means for your compliance timeline.

The deadline and the label

SB 25 took effect September 1, 2025, but the operative requirement, the warning label, applies only to a food product label developed or copyrighted on or after January 1, 2027.

The mandated language is specific. Flagged products must carry a statement to the effect of: "WARNING: This product contains an ingredient that is not recommended for human consumption by the appropriate authority in Australia, Canada, the European Union, or the United Kingdom." The statute requires the warning to be placed in a prominent, reasonably visible location and to have sufficiently high contrast with its background to ensure it is likely to be seen and understood under customary conditions of purchase and use.

The law identifies 44 named ingredients, including synthetic dyes (such as Red 3, Red 40, Yellow 5, and Yellow 6), bleached and bromated flour, BHA, BHT, potassium bromate, partially hydrogenated oil, titanium dioxide, and a range of other additives and preservatives. If your formulation includes any of them, the warning obligation is potentially in play.

The exemptions that could save you

SB 25 is broad, but not unlimited. It carves out several categories: ingredients used in products not intended for human consumption, food labeled, prepared, or served in restaurants, food labeled, prepared, or served in retail establishments, products regulated by the USDA's Food Safety and Inspection Service, products already bearing a U.S. surgeon general's warning, drugs and dietary supplements, and pesticides and other agricultural chemicals used in producing, storing, or transporting raw agricultural commodities.

There is also an important federal off-ramp. The statute's preemption provision turns off the warning requirement for a given ingredient once the FDA or USDA prohibits its use, imposes conditions on its use (including requiring its own warning or disclosure), determines it is safe for human consumption, or issues a labeling rule for ultra-processed or processed foods. In a fast-moving federal regulatory environment, that provision matters, and it operates ingredient by ingredient, not law-wide.

The statute does not create a private cause of action. Enforcement runs through the Texas Attorney General, who may sue to enjoin a violation and seek a civil penalty of up to $50,000 per day for each distinct food product found in violation, plus reimbursement of the state's investigation and enforcement costs.

The law is already enjoined

This is the detail that has changed the compliance calculus: the warning requirement is not currently enforceable, and has not been since February 2026.

In late 2025, four trade groups, the American Beverage Association, the Consumer Brands Association, the National Confectioners Association, and FMI, The Food Industry Association, sued Texas Attorney General Ken Paxton in the U.S. District Court for the Western District of Texas (Waco Division), challenging the warning-label mandate (codified as Section 9 of SB 25, now Tex. Health & Safety Code §§ 431.0815–431.0817).

On February 11, 2026, the court granted the plaintiffs' motion for a preliminary injunction and enjoined the Attorney General from enforcing the warning requirement against the plaintiffs and their members. The court's reasoning:

First Amendment: the court found the warning is a content-based compelled-speech requirement likely subject to strict scrutiny, and that Texas failed to show it was narrowly tailored even under the more lenient Central Hudson intermediate-scrutiny test. The court credited Texas's substantial interest in public health, but found the state had not shown why a mandated, government-scripted label, rather than, for example, its own public information campaign, was necessary to advance that interest.

Vagueness: the court declined to find the law's preemption trigger language unconstitutionally vague at this early stage, though it left the door open to revisit the issue with a fuller record at summary judgment.

Preemption: the court was not persuaded, at this stage, that the warning is preempted by the federal Food, Drug, and Cosmetic Act or the Nutrition Labeling and Education Act. It expressly declined to decide whether the warning's language is false or misleading, so that underlying question remains open.

The injunction currently runs in favor of the named plaintiff associations and their members. It is a preliminary ruling, not a final judgment, and Texas can be expected to appeal or to continue litigating toward a final resolution. Coverage of this case should be treated as a snapshot, not an endpoint, the posture can change quickly.

What to do now

Don't let the injunction cause you to stand down entirely. Label and packaging changes take months of lead time, the underlying statute has not been struck down, and the deadline is tied to when your labels are created, meaning decisions made in 2026 are already implicated if the injunction is narrowed, reversed on appeal, or the case ultimately resolves in the state's favor.

Start by auditing your formulations against the 44-ingredient list to see whether you're affected at all. Many brands discover they can sidestep the warning entirely with a targeted reformulation. Next, check whether an exemption applies, the restaurant, retail, USDA, and

drug/supplement carve-outs remove a meaningful slice of products. Then model multiple scenarios: comply with the label as written, reformulate to avoid the list, or hold position while monitoring the litigation. Finally, track both the federal preemption triggers and the case docket, since either a federal action on a specific ingredient or a ruling on appeal could change your obligations with little notice.

SB 25 is the first of what will likely be many state warning-label laws, and its court fight is being watched closely as a bellwether for how far states can go in mandating food-safety disclosures. Getting your Texas strategy right now, including understanding exactly where the litigation stands, sets the template for the ones that follow.

Not sure whether SB 25 applies to your products, whether an exemption gets you off the hook, or how the injunction affects your timeline? Malkin Law can audit your labels against the statute, track the litigation, and map your options.

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