National Pork Producers Council®

The Global Voice for the U.S. Pork Industry

National Pork Producers Council
122 C Street, NW, Suite 875
Washington, DC, USA 20001

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Dockets Management Staff
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Ultra-Processed Foods; Request for Information. Docket No. FDA-2025-N-1793

To Whom it May Concern:

The National Pork Producers Council (NPPC) appreciates the opportunity to comment on the request for information on Ultra-Processed Foods. NPPC is the global voice for the U.S. pork industry and consists of 42 affiliated state organizations, representing America's 60,000 pork producers who supply a demonstrably safe, wholesome, nutritious, and affordable product that is appreciated on American and international tables.

Consumer health and safety are top priorities of American pork producers. Ensuring Americans have the access to pork – a nutrient dense protein – will help improve our nation's nutrition and therefore positively impact public health. However, the term "ultra-processed food" is a catch-all term that could unintentionally misclassify nutrient dense foods simply because they are processed. If the Trump administration's aim is to positively impact health, nutrition should be the focus – not processing.

Please see NPPC's scientific, thoughtful replies to Request for Information questions below.

Relevant RFI Question 1: *What, if any, existing classification systems or policies should we consider in defining UPFs? What are the advantages and challenges in applying these systems (or aspects of them) to classify a food as ultra-processed? What are characteristics that would or would not make a given system (or aspect of the system) particularly suitable for the U.S. food supply? Please provide supporting data and explain your rationale in your response.*

Application of NOVA Classification System to Pork Products

There is no worldwide consensus of an "ultra-processed food" definition. The most accepted – yet problematic – framework is the NOVA classification system that categorizes foods into four separate groups.[1]

- Group 1 consists of unprocessed/minimally processed foods that would include many fresh cuts of meat.
- Group 2 or processed culinary ingredients would include salt or oils.

- Group 3 or processed foods would include foods that have minimal ingredients.
- Group 4, or ultra-processed foods, would essentially include all other foods that would not fall into the first 3 categories.[2]

This classification system only focuses on processing, not nutritional benefits of foods. If this definition is applied to foods, especially agricultural products such as pork, they will be negatively categorized as "ultra-processed foods."[3] This approach would eliminate access to nutrient dense foods and damage the overall goal of improving health and decreasing chronic disease in America.[4]

There are extreme challenges when specifically applying the NOVA classification to pork products. Many pork products are processed simply from the whole cuts of meat. However, under NOVA, traditional meat processing such as curing would be seen as ultra-processed. For example, bacon is a meat product directly cut from the belly. It is typically processed through curing or smoking. These traditional food pathways would restrict nutrient dense food under the NOVA system.[5]

Pork products offer incredible nutritional value, yet they are at risk of being labeled as an "ultra-processed food," while other foods that contain very little ingredients but lack nutritional value, may evade the classification.

Another example is ground pork that has been seasoned and contains a food additive that extends shelf-stability. Because it contains a beneficial additive, it would be considered ultra-processed. This classification would deny Americans nutrient-superior foods.

Researchers have also noted the major pitfalls of the NOVA classification system, recognizing a significant amount of foods that would be mistakenly classified in the NOVA category 4 (including some pork products), that rate high in nutrient quality and are similar to many foods that would fall into groups 1-3.[5]

It is important to understand that processing does not necessarily equate to nutrient-inferior food. Additionally, many foods that can be prepared at home and are considered less processed on the NOVA scale may not provide adequate nutrition and may be inferior to food that would fall into NOVA category 4. For example, baking a dessert at home would evade the "ultra-processed food" classification, while a food such as deli ham – which provides protein, vitamins, and minerals – would be classified as an "ultra-processed food." This underscores the importance of not equating processing or number of ingredients to the health or nutritional composition of a food.[6]

The NOVA system does not align with U.S. food categories or regulatory labeling, as it was created by Brazilian researcher Carlos Monteiro. Traditionally cured meats such as bacon, prosciutto, and ham have centuries of safe use and are important traditional food pathways. Applying NOVA would arrange these foods into the ultra-processed foods category.[7] It is important to note this classification system poses significant harm to the $1 trillion U.S. agriculture sector.

A single definition that incorporates nutrient density and processing does not exist, as it is incredibly complicated to incorporate the nuances of food processing and nutrition – while also keeping in mind the goal of improving public health. A good starting point is to elevate the importance of nutritional composition, while protecting processing and ingredients that promote nutrient bioavailability, food safety, and shelf-stability.

Relevant RFI Question 2: *FDA-required ingredient labeling provides important information to consumers about what is in packaged foods. The ingredient declaration on a food label lists each ingredient by its common or usual name (21 CFR 101.4(a)(1)). This ingredient name sometimes provides information on specific forms of the ingredient used, such as "flour" versus "whole grain flour." Additionally, ingredients are declared in descending order of predominance by weight (21 CFR 101.4(a)), which may help a consumer determine the relative proportion of whole versus processed ingredients. For certain types of ingredients, such as flavorings, colorings, and chemical preservatives, labeling must also provide the function of the ingredient (see 21 CFR 101.22). The following questions focus on the ingredient list on the labeling of packaged foods.*

Importance of Food Additives

The Food, Drug, and Cosmetic Act (FD&C Act) has supported the United States as a leader for a safe food supply since 1938. As the cornerstone of America's modern food safety system, the FD&C Act provides the legal authority to regulate the safety, labeling, and quality of food, drugs, and cosmetics. It has supported public health through the approval and use of food additives that keep our food safe, enable shelf stability, and promote nutrient availability.[8] These food additives are typically ingredients that are listed at the end of an ingredient list because they contribute the least amount per weight of the finished product. However, they play a critical role in ensuring that the food is safe, shelf stable, and supports nutrient availability.

For example, pork utilizes ingredients to protect against foodborne pathogens by inhibiting growth of bacteria such as *Listeria monocytogenes*, *Clostridium perfringens,* and *Clostridium botulinum*. Meats, such as pork, need to be safely preserved to prevent oxidating and spoilage.[9] Butylated hydroxytoluene (BHT) is an antioxidant also used to prevent spoilage. BHT is not only approved in the United States by the FDA under 21 C.F.R. Part 170-186, but it has also been accepted in the General Standard for Food Additives under CODEX STAN 192-1995.[10] This means there is a globally accepted standard for use of BHT. Codex Alimentarius (Codex) has also set average daily intakes of BHT in foods. FDA takes the same approach with food additives by setting maximum levels of use in foods. This is an incredibly important standard, as "the dose makes the poison."

Paracelsus, the father of toxicology, stated, "What is there that is not poison? All things are poison, and nothing is without poison. Soley the dose determines that a thing is not a poison." For example, water, which is needed for our survival and is known to be safe, has a threshold where too much water can cause water intoxication, or hyponatremia. This is why food additives such as BHT are extensively studied with risk assessments, and maximum levels of use and average daily intakes are set to ensure the safety for consumers. Food additives such

as BHT are indispensable in preventing foodborne illnesses and preserving the nutritional quality of foods. This is a particularly important benefit for those who are most vulnerable, including children, pregnant women, and immunocompromised individuals. While it is important to always ensure the safety of food additives, it is important to also consider the benefits that certain food additives have in preserving food and enhancing food safety to preserve nutrition.

In the recently passed California Ultra Processed Foods Assembly Bill 1264, there is a major misstep of defining an "ultra-processed food" by incorporating certain food additives that are critical to food safety. In Sec. 8, an "ultra-processed food" would contain one or more of the following food additives, and the CA bill lists (3) Propellants, aerating agents, and gases, as defined in Section 170.3(o)(25) of Title 21 of the Code of Federal Regulations.[11] This would render any meat or food that is packaged with any type of gas as an "ultra-processed food." Inert gases, especially nitrogen, are used to displace oxygen from packaging to both create an anerobic environment that would prevent certain bacteria from growing, as well as prevent food spoilage. These technical food additives are critical in protecting food safety, while providing nutrient dense foods, such as pork, to American consumers.

Food that contains ingredients to enhance food safety, shelf stability, and nutrient availability should not automatically categorize that food as ultra-processed. These ingredients protect public health, while simultaneously allowing for nutrient-dense foods to reach the consumer. If the goal for the Make America Healthy Again Commission is to improve nutrition to prevent diet-related chronic diseases, nutrient dense foods that contain these ingredients should **not** be considered an "ultra-processed food."

Relevant RFI Question 3: *FDA defines "manufacturing/processing," in part, to mean making food from one or more ingredients, or synthesizing, preparing, treating, modifying, or manipulating food, including food crops or ingredients (21 CFR 117.3; see also 21 U.S.C. 321(gg) for the statutory definition of "processed food"). Certain FDA regulations, such as standards of identity, may prescribe methods of production or formulation (see, e.g., 21 CFR part 133). Processing of a food is often achieved by a combination of physical, biological, and chemical methods; however, while processing information is sometimes found on food labeling, manufacturers are not always required to disclose processing information on food labeling. The following questions focus on the processing of an ingredient or a mixture of ingredients into the finished food and whether certain processing methods may contribute to a food being considered ultra-processed*.

Conflict with Standards of Identity (SOI)

Establishing an "ultra-processed food" definition would conflict with Standards of Identity, a regulation that requires ingredients or processes for foods. FDA would require Standards of Identity for certain food products while simultaneously discouraging that same food product as an "ultra-processed food." This would undermine decades of public health policy and transparency for consumers as well as state-mandated standards. Standards of Identity specifically aims to preventing nutrient deficiencies through enrichment of foods and protect against false and misleading statements in food labeling.[12]

Economic Considerations

An ultra-processed foods definition may unintentionally negatively impact on the health of consumers that rely on economically feasible and shelf stable food. The impact on food assistance programs such as the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the National School Breakfast Program (NSBP), and the National School Lunch Program (NSLP) would be catastrophic. Many people who rely on these programs, including our children, need access to healthy food that is affordable and shelf stable. Many of these foods would fall under the UPF NOVA definition. For example, ready to eat meat, a nutrient dense source of protein, may be restricted. Thus, there may be less access to healthy foods for vulnerable populations.

Relevant RFI Question 4: *Is the term "ultra-processed" the best term to use, or is there other terminology that would better capture the concerns associated with these products? If there is another term to consider, please name and define that term and provide specific scenarios and citations (if available) to support its use.*

Processing is not inherently negative and is needed to consume whole foods. For example, cooking is a type of processing.

In the pork industry, the entire pig is used to make a variety of products – everything from whole cuts, such as pork chops and tenderloins, to processed products, such as bacon and sausage. Processing ensures no part of the pig goes to waste.

Instead of focusing on the term "ultra-processed," a term such as "discretionary foods" should be considered. These would be foods that are *not* nutrient dense and allow the freedom for the consumer to choose whether or not to eat or drink. These discretionary foods would not be promoted as a part of a healthy diet but instead are left at the discretion of the consumer. This would step away from the misguided conversation of processing and place the focus back on nutrition as the basis for improving diet-related chronic disease in America.

Conclusion

NPPC appreciates the opportunity to comment on the request for information on ultra-processed foods. NPPC understands the importance of health and nutrition to the U.S. population and urges the FDA and USDA to carefully consider a definition that focuses on nutritional value – rather than processing.

Recognizing the importance of nutrient-dense foods is essential when discussing the definition of "ultra-processed foods," while also acknowledging that food processing and ingredients play valuable roles in producing safe food. Ultra-processed foods – or discretionary foods – should be characterized by lower nutritional quality, not by processes or ingredients that improve food safety, shelf life, and nutrient availability. Rather than viewing processing and ingredients as inherently negative, the focus should be on promoting foods that are nutrient-dense, which supports the goal to reduce diet-related chronic disease and improving health for Americans.

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Sincerely,

Dr. Ashley A. Johnson
Director of Food Policy
National Pork Producers Council

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