

October 23, 2025

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The Honorable Brooke Rollins
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington DC 20250

The Honorable Martin Makary
Commissioner
U.S. Food and Drug Administration
5001 Campus Drive
College Park, MD 20740

RE: Ultra-Processed Foods; Request for Information [FDA-2025-N-1793]

Dear Secretary Rollins and Commissioner Makary:

The National Association of Convenience Stores (NACS)¹ appreciates the opportunity to provide comments in response to the U.S. Department of Agriculture (USDA) and Food and Drug Administration's (FDA) Request for Information on "Ultra-Processed Foods" (UPFs), published July 25, 2025.

NACS has several concerns about efforts to tie federal nutrition policy to the concept of UPFs. UPFs simply are not a consistent or reliable proxy for the impact of different foods on human health. The term remains vague and contested and using it as the basis for regulation would not strengthen nutrition programs and "[address] health concerns", as noted in the RFI, but instead undermine food access and impose significant, complex compliance burdens on food retailers.

NACS Members Provide Critical Food Access for Their Communities

NACS represents over 152,000 convenience stores serving communities in every corner of the country. Our industry serves the equivalent of about half of the U.S. population every day, and Americans truly rely on the goods, services, and accessibility these stores provide. Our members provide customers with convenient locations and extended hours, enabling them to purchase a wide variety of food and beverage items at any time of day. Our locations are often the only establishments easily accessible by walking or public transportation, or the only food retail locations open for business after a late work shift ends or before an early one begins. In fact, 93 percent of Americans say that a convenience store is within 10 minutes of their home, including 86 percent of rural Americans.

Convenience retailers are proud to serve as reliable food access points in their communities, especially in rural or remote areas with few other grocery options.² For many Americans, especially those without reliable transportation, the local convenience store is not just

¹ NACS is an international trade association representing the convenience store industry with over 1,300 retailer and 1,600 supplier companies as members, the majority of which are based in the United States.

² Compared to high-income neighborhoods, low-income neighborhoods have twice as many convenience stores and four times as many small grocery stores. See Moore LV and Diez-Roux AV, "Associations of Neighborhood Characteristics with the Location and Type of Food Stores," 96 AM. J. OF PUB. HEALTH 325-331 (2006), available at: <http://ajph.aphapublications.org/cgi/reprint/96/2/325>.

the most accessible option; it may be the only one. These stores provide a critical lifeline for individuals and families in communities all over the country.

Convenience Retailers Face Unique Logistical Hurdles Relating to Food Supply

The convenience industry faces unique challenges that set it apart from other food retail channels. Deliveries to convenience stores often happen only once a week (sometimes even less in rural areas), and convenience stores are typically about 14 times smaller than the average supermarket. Convenience retailers have minimal shelf and cooler space to display or store products, and they must frequently rely on shelf-stable products to meet customer demands. This is particularly essential in areas where delivery frequency and supply chain access are limited, such as rural America.

Unlike larger retailers that can dictate purchasing behavior, convenience stores also operate almost entirely on a demand-pull basis. In short, retailers sell what their customers want to buy or risk going out of business. That demand-driven model means convenience retailers must balance customer preference, product availability, and limited storage capacity every day. Policies that restrict broad categories of foods without regard for consumer demand would disproportionately affect convenience stores and the communities that depend on them.

Unintended Consequences for Food Access

The UPF category is large and wide-ranging, making up an estimated 73 percent of the U.S. food supply.³ Consumption is highest among lower-income populations, where these foods are often essential because of their affordability, shelf stability, and accessibility.⁴ In the convenience channel, which primarily serves these communities, retailers rely on shelf-stable and affordable items to meet customer needs. Yet many of these foods, such as whole-grain breads, fortified cereals, and canned fruits and vegetables, are labeled as “ultra-processed” even though they provide important nutritional value.

Many nutrition experts believe it would be a mistake to advise consumers to avoid UPFs. In a 2024 interview with the New York Times, Dr. Josiemer Mattei, an associate professor of nutrition at the Harvard T.H. Chan School of Public Health, explained, “At the end of the day, [UPFs] are an important source of food, and food is food. We really cannot vilify them.”⁵ Another dietician and researcher, Jimmie Chun Yu Louie, shared recently in an interview that “headlines make it sound like all ultra-processed foods are bad, but the truth is more complicated. Some can

³ Alice Callahan, The New York Times, *Are Some Ultraprocessed Foods Worse Than Others?* (Sept. 5, 2024), available at <https://www.nytimes.com/2024/09/05/well/eat/ultraprocessed-foods-types-unhealthy-study.html>.

⁴ Anne Williams, et. al, *Ultra-processed Food Consumption in Youth and Adults: United States, August 2021–August 2023*, Center for Disease Control, National Center for Health Statistics Data Brief (August 2025), available at <https://www.cdc.gov/nchs/products/databriefs/db536.htm>.

⁵ Alice Callahan, The New York Times, *How Bad Are Ultraprocessed Foods, Really?* (Aug. 1, 2024), available at <https://www.nytimes.com/2024/05/06/well/eat/ultraprocessed-foods-harmful-health.html>.

offer real nutritional value and fit comfortably into a healthy diet. That kind of oversimplification can mislead the public and distract from the most pressing dietary risks.”⁶

If new regulations are created to implement broad restrictions based on a particular UPF definition (particularly in the Supplemental Nutrition Assistance Program), we risk undermining the very products that allow convenience stores to provide consistent, affordable food access in these communities. Restricting such products could severely limit options for consumers who already face food deserts, particularly in rural and urban America, and would worsen hunger by removing some of the most practical, reliable foods that families depend on.

Nutritional Quality and Processing Level Are Not the Same

The Nova classification is the most widely cited framework for defining ultra-processed foods worldwide.⁷ Nova is used by the World Health Organization, United Nations Food and Agriculture Organization, and the Pan American Health Organization to monitor diet quality globally.⁸ Several Latin American countries have built dietary guidelines using Nova, and the French government is utilizing Nova classifications to reduce ultra-processed food consumption.⁹ In the United States, the Centers for Disease Control and Prevention also recently relied on Nova to publish its data brief on “Ultra-processed Food Consumption in Youth and Adults: United States, August 2021–August 2023”.¹⁰

Despite this widespread adoption, Nova is criticized for its ambiguity, subjectivity, and failure to account for nutritional quality.¹¹ Even among nutrition experts, classification agreement

⁶ Swinburne University of Technology, SciTechDaily, *New Research Reveals Not All Ultra-Processed Foods Are Bad* (Sept. 8, 2025), available at <https://scitechdaily.com/new-research-reveals-not-all-ultra-processed-foods-are-bad/>. See also Anahad O’Connor, The Washington Post, *This Scientist Studies Ultra-Processed Foods. Here’s What He Eats in a Day* (Oct. 1, 2025), (“We shouldn’t get too caught up on the current bogeyman, which is ultra-processed foods. You can find healthy choices even in the ultra-processed foods category.”) available at <https://www.washingtonpost.com/wellness/2025/10/01/kevin-hall-ultra-processed-foods/>.

⁷ The Nova classification system, developed by researchers in Brazil, categorizes foods into four groups based on the extent and purpose of processing: (1) unprocessed or minimally processed foods, (2) processed culinary ingredients, (3) processed foods, and (4) ultra-processed foods (UPFs). UPFs are defined as industrial formulations made mostly or entirely from substances derived from foods and additives, with little if any intact whole food. Joan Salge Blake, *Examining the Nova Food Classification System and the Healthfulness of Ultra-Processed Foods*, Eat Right Pro (updated Jan. 23, 2025), available at <https://www.eatrightpro.org/news-center/practice-trends/examining-the-nova-food-classification-system-and-healthfulness-of-ultra-processed-foods>.

⁸ Christoffer van Tulleken, *Ultra-processed foods and public health: Evidence of harm and of conflicts of interest in the food industry to evade regulation*, *Future Healthcare Journal*, June 2025, Vol. 12, Issue 2, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC12277474/>.

⁹ Veronique Braesco, et. al, *Ultra-processed foods: how functional is the NOVA system?*, *European Journal of Clinical Nutrition*, March 2022, Vol. 76, pp. 1245-1253, available at <https://www.nature.com/articles/s41430-022-01099-1>.

¹⁰ See *supra* note 4.

¹¹ Veronique Braesco, *supra* note 8, noting “The system’s robustness, functionality, and consistency remain poorly characterized. Because its classification approach is purely descriptive in nature, it opens the door to ambiguity and differences in interpretation.”; see also Michael J. Gibney, et. al, *Ultra-processed foods in human health: a critical appraisal*, *The American Journal of Clinical Nutrition*, March 2017, Vol. 106, pp. 717-724, noting “The NOVA classification is ... a rather simple and crude system of classifying foods into categories on the basis of their degree of processing and is in stark contrast to many existing food-classification systems”; Jimmy Chun Yu Louie, *Are all*

is low: in one study, only 4 out of 231 foods were placed in the same Nova category by all evaluators.¹² As a result, foods as different as Twinkies, tofu, flavored yogurt, hummus, and whole-grain bread may all be grouped as “ultra-processed,” despite vastly different nutrient profiles and health impacts.

This underscores a key flaw in the debate around UPFs, which is the disjunction between the emphasis on *processing* and the actual priority of *health impacts*. Processing in and of itself is not inherently negative. In many cases, it is essential in making food safer, more nutritious, or more accessible. Common food processing methods such as pasteurization, canning, and freezing are used to extend shelf life, reduce foodborne illness, and preserve or enhance nutrient quality. For example, pasteurization prevents disease transmission in milk; canning makes fruits and vegetables shelf-stable; and fortification adds essential vitamins and minerals to staples such as cereals and breads.¹³

Processing also plays a critical role in expanding food choices for people with allergies or dietary restrictions. Plant-based milks provide an option for individuals with lactose intolerance or dairy allergies; gluten-free breads and pastas allow people with celiac disease or gluten sensitivities to safely consume grains; and allergen-free snacks offer alternatives for families managing nut or soy allergies.¹⁴ These are all “ultra-processed” foods, but they serve important health and access purposes that should not be overlooked.

Moreover, nutritional quality and level of processing are not interconnected. Many foods considered a staple in healthy eating habits, such as Greek yogurt or whole-grain breads, may be classified as “ultra-processed” under the Nova system, despite their nutritional value. Greek yogurt is a widely consumed source of protein in high-protein or low-carbohydrate diets, but it is also frequently categorized as UPF. There is a risk in associating “processing” with “poor nutrition”, and it reinforces why classification systems must consider nutrient content and dietary preference, and not just the manufacturing process.

By equating “more processing” with “less healthy,” classification systems (including Nova) risk oversimplifying dietary guidance and misleading consumers, retailers, and policymakers, who may be led to believe that *all* processing is undesirable when, in fact, processing is often critical to public health and food access. Use of the Nova classification and other similar definitions for UPFs remain vague and inconsistent, and as such should not be used to shape federal nutrition programs, as they will only create customer confusion, impose compliance burdens on retailers, and unjustifiably restrict access to foods that families rely on.

ultra-processed foods bad? A critical review of the NOVA classification system, [Proceedings of the Nutrition Society](#), December 2024.

¹² See *supra* note 8.

¹³ Jimmy Chun Yu Louie, *Are all ultra-processed foods bad? A critical review of the NOVA classification system*, [Proceedings of the Nutrition Society](https://www.cambridge.org/core/journals/proceedings-of-the-nutrition-society/article/are-all-ultraprocessed-foods-bad-a-critical-review-of-the-nova-classification-system/16D07B81A1587340B3EE847F3C662E60), December 2024, available at <https://www.cambridge.org/core/journals/proceedings-of-the-nutrition-society/article/are-all-ultraprocessed-foods-bad-a-critical-review-of-the-nova-classification-system/16D07B81A1587340B3EE847F3C662E60>.

¹⁴ *Ibid.*

Concern Over Regulatory Whiplash

Basing federal nutrition policy on an ambiguous or disputed concept like “ultra-processed food” risks creating regulatory whiplash that convenience retailers will be forced to navigate. The current Trump administration has already expressed concerns about politicization of the Dietary Guidelines for Americans (DGAs) and emphasized the need for science-based, consensus-driven standards.¹⁵ Yet if agencies like USDA and FDA were to issue regulations based on a loosely defined UPF framework, future administrations could reinterpret or revise that definition at will – one might classify meat as a UPF if it comes from animals raised in confined spaces, or another could decide that coffee is ultra-processed if the beans are too dark roasted – leading to frequent swings in guidance, compliance requirements, and enforcement.

This instability would place an enormous burden on retailers who would have to continually adjust inventory, update systems, and retrain staff to keep up with any shifting rules. It would also undermine consumer confidence and create confusion about what foods are considered acceptable or encouraged. Just as the DGA process is intended to provide consistency across administrations, any approach to defining foods in regulation should avoid subjective terms that invite regulatory shifts and instead establish clear, durable standards rooted in broad scientific consensus.

Conclusion

NACS urges USDA and FDA to avoid building federal nutrition policy around vague, contested concepts like “ultra-processed foods.” The concept remains vulnerable to politicization and offers no value in setting effective standards. Tying nutrition policy to a UPF definition would restrict consumer choice, limit food access in vulnerable communities, and saddle retailers with costly compliance burdens. Our members are committed to providing affordable and accessible food to the communities they serve, and NACS stands ready to continue working with USDA, FDA, and other stakeholders to ensure that any future policies support that mission.

¹⁵ Department of Health and Human Services (HHS) and U.S. Department of Agriculture (USDA): USDA, HHS Share Update on Dietary Guidelines for Americans Process [Press Release] (March 11, 2025), *available at* <https://www.usda.gov/about-usda/news/press-releases/2025/03/11/usda-hhs-share-update-dietary-guidelines-americans-process>.