



Seals and Sale Bans: California's New Non-UPF Certification and Age Limits on Dietary Supplements & OTC Diet Products

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California continues to lead the way in regulating foods and dietary supplements sold within its borders. Two recent developments are worth highlighting: the nation's first statewide "Non-Ultraprocessed" food certification program, and a second-of-its-kind law restricting sales of certain dietary supplements and over-the-counter products to individuals under 18. Below, we break down both measures and what they may mean for food and supplement companies doing business in the state.

AB 2244 - Non-Ultraprocessed Certified food standard

On September 28, 2026, Governor Newsom signed **AB 2244** into law, creating a new state "Non-Ultraprocessed Certified" label for foods that meet California's standard for non-ultraprocessed foods (UPFs). The Governor signed the measure alongside other nutrition-related bills, as part of the state's broader health care framework, including new requirements to display sugar content on menus.

The new law builds on the 2025 law, AB 1264, which established the first state statutory definition of UPFs and set a timeline for phasing certain UPFs out of California schools. California's action comes as federal regulators continue to work on a proposed definition. On August 3, 2026, the U.S. Food and Drug Administration (FDA) and the Department of Health and Human Services (HHS) submitted a nonbinding "White Paper: Proposed Definition of Ultra-Processed Food" to the Office of Management and Budget (OMB), where it is currently listed as pending review.

Modeled after the U.S. Department of Agriculture (USDA) Organic Seal, the program places the California Department of Public Health (CDPH) in charge of overseeing certification of products that meet the state's non-UPF standard. Rather than certifying products directly, CDPH will approve and accredit third-party certifiers to conduct product certifications. The label may appear on the front of a package or elsewhere on the package, provided it does not obscure required labeling information.

A product cannot be certified if it contains additives specified in AB 1264 such as stabilizers, thickeners, emulsifiers, coloring or flavoring agents, flavor enhancers and nonnutritive sweeteners. Products classified as “ultraprocessed food of concern” or “restricted school food” are also ineligible.

CDPH must accredit third-party certifiers no later than June 1, 2029, and certified products must be recertified at least every three years.

The law also creates the Public Health Food and Nutrition Education Fund to support implementation of the “Non-Ultraprocessed Certified” label requirements and to educate the public and stakeholders about the label requirements, food products and nutrition.

Other key requirements include:

- **Registration:** Certification agents must register with the state.
- **Audits:** The state may audit certification records at any time.
- **Public database:** The state must maintain a public, online list of certified products.
- **Enforcement:** Misuse of the label will be unlawful and subject to enforcement.
- **Retail display:** Large retailers – including grocery stores that sell more than 25 individual non-UPF certified products and generate more than \$10 million in annual sales – must display certified products so that they are clearly identifiable.

AB 2030 - Dietary supplements for weight loss and over-the-counter diet pills

Also on September 28, Governor Newsom signed **AB 2030**, a new law prohibiting the sale of OTC diet pills and dietary supplements marketed for weight loss or muscle building to anyone under 18.

The law covers both brick-and-mortar and online/delivery sellers, imposing specific age and identity verification requirements:

- **In-store:** Retailers must check valid ID for purchasers who do not reasonably appear to be over 18 and may limit product access (e.g., behind-the-counter placement).
- **Online/delivery:** Sellers must verify name, date of birth and address against a commercial database of government sources, and require an adult signature with photo ID at delivery.

Violations carry civil penalties of up to \$500 per violation, enforceable by the Attorney General, county counsel or city attorneys.

Importantly, a product need not expressly claim “weight loss” or “muscle building” on its label to fall within the law’s scope. Courts may consider whether a product contains certain listed ingredients (including creatine, green tea extract, garcinia cambogia or steroids), whether its labeling or marketing implies it will modify body weight, appetite, metabolism, or maintain or increase muscle or strength, and whether the seller has categorized or grouped the product with weight-loss or muscle-building items.

New York parallel and pending constitutional challenge. California's law closely tracks New York's Section 391-00 (enacted 2023). Industry groups have petitioned the U.S. Supreme Court to review the Second Circuit’s decision upholding the New York law, arguing it is a content-based restriction on truthful commercial speech in violation of the First Amendment. That petition remains pending, and a ruling could have direct implications for the validity and enforcement of California's new law.

Takeaways

- Although CDPH has until mid-2029 to accredit certifiers, food and beverage companies interested in pursuing certification may wish to begin evaluating product formulations against the state’s ingredient and nutrient criteria now. Large retailers should likewise assess whether they meet the display thresholds and plan for merchandising obligations accordingly.
- Supplement and OTC brands, retailers and investors with consumer health holdings should review their product claims, marketing, e-commerce product groupings and age-verification processes now.

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