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WLF Urges District Court to Preliminarily Enjoin Texas’s Controversial Food-Labeling Law *(American Beverage Association v. Paxton)*

“Texas cannot force companies to convey confusing and misleading messages that undermine trust in FDA-approved food ingredients.”

— Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. District Court for the Western District of Texas to preliminarily enjoin enforcement of a Texas law compelling misleading warning labels on food products. WLF’s amicus brief contends that the mandate violates the First Amendment by requiring companies to disseminate inaccurate and uninformative government-scripted speech. WLF joined the U.S. Chamber of Commerce on the brief.

The case arises from Texas Senate Bill 25, which requires manufacturers and retailers to display a warning on products containing any of 44 specified ingredients purportedly not recommended by authorities in Australia, Canada, the European Union, or the United Kingdom. Despite these ingredients being lawful and deemed safe by the Food and Drug Administration, the generic warning identifies neither the ingredient at issue nor the reasons for foreign disapproval. Four trade groups sued the state, asserting that the law unconstitutionally compels speech and should be enjoined.

In its amicus brief, WLF argues that the warning is neither purely factual nor uncontroversial, subjecting it to heightened First Amendment scrutiny it cannot withstand. The law privileges dubious foreign views over FDA regulations, confuses consumers, and advances no substantial interest without unduly burdening speech.

Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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