Health Claims, Food Marketing, and Consumer Protection

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Introduction

Food marketing becomes ethically and legally complicated when a statement is technically true but encourages consumers to infer more than the evidence supports. Packages are designed to work quickly: shoppers may see a phrase such as “low fat,” “made with whole grains,” “supports immunity,” or “healthy” long before they study the Nutrition Facts panel or ingredient list. U.S. regulation therefore distinguishes among different categories of claims and requires that labels and advertising be truthful and not misleading. FDA identifies three principal regulated claim categories on food and supplement labels—health claims, nutrient-content claims, and structure/function claims—while the Federal Trade Commission focuses on the overall impression created by advertising and requires adequate substantiation for objective health-related representations (FDA, 2024a; FTC, 2022). Consumer research shows why these rules matter: positive nutrition or health statements can create a “health halo,” causing people to judge an entire product more favorably even when less desirable nutrients remain present (Ballco & Gracia, 2022; Prates et al., 2022). Consumer protection therefore depends on both accurate regulation and the ability to interpret a product as a whole rather than one attractive phrase.

Types of Health Claims

A formal health claim describes a relationship between a food or food component and reduced risk of a disease or health-related condition. An authorized claim might connect adequate calcium intake with reduced osteoporosis risk. A nutrient-content claim is different: it characterizes the amount of a nutrient using regulated terms such as “low,” “free,” “reduced,” “high,” or “good source.” A structure/function claim describes a role in normal body structure or function, such as saying that calcium helps build strong bones, without claiming to reduce the risk of a named disease. Dietary-guidance language can be broader still. FDA’s current guidance makes these distinctions important because each category is governed differently and consumers may otherwise assume that every health-sounding phrase has passed through the same scientific review (FDA, 2024a).

This distinction corrects a common misunderstanding in food marketing analysis. “Low fat,” “cholesterol free,” and “no added sugar” are nutrient-content claims, not automatically health claims.

They can be useful when they accurately describe the specified nutrient, but they do not establish that the overall product is nutritionally superior. A food can be low in fat and high in added sugars or sodium; “no added sugar” does not mean sugar-free because naturally occurring sugars may remain; and a product can be cholesterol-free while still containing substantial saturated fat or calories. The Nutrition Facts panel exists partly to provide the quantitative context that front-of-package claims cannot provide. A well-informed consumer asks not only whether the statement is legally true but also what information the statement leaves outside the frame.

Overall Marketing Impression

Advertising law does not evaluate claims only word by word. FTC guidance explains that advertisers must consider both express and implied messages and possess a reasonable basis for objective claims before advertising is disseminated. For health-related claims, substantiation generally requires competent and reliable scientific evidence (FTC, 2022). This means that an advertisement can be misleading even if each individual phrase has been selected carefully. Imagery, product name, testimonials, placement of claims, omissions, and visual emphasis can work together to create an implied health message that the evidence does not support. A package covered with athletic imagery, fruit graphics, and phrases about vitamins may create a broad impression of nutritional quality even if the product is also high in added sugar.

The original Nesquik example illustrates this issue well. A phrase such as “great start to the day” may not be a formal disease-risk claim, yet it can contribute to an overall impression that the product is an especially healthful breakfast choice. The appropriate analysis is not simply to ask whether the slogan contains a prohibited word. It is to examine what a reasonable consumer may take away from the entire presentation and whether that impression is consistent with the product’s nutritional profile and the evidence supporting the message. This broader approach is more protective because marketers can influence consumers through implication as effectively as through direct factual statements.

Health Halo Effects

Health halos arise because people use shortcuts when making decisions. A systematic review by Ballco and Gracia (2022) found that nutrition and health claims influence perceived healthiness, understanding, liking, and purchase behavior, although effects vary with familiarity, nutrition knowledge, motivation, and product type. Experimental research provides a clearer example. Prates et al. (2022) found that the presence of nutrition claims increased perceived healthfulness and purchase intention and reduced consumers’ ability to identify less favorable nutritional characteristics, even when front-of-package warning information was also present. The claim did not need to be false to change perception; its positive framing shifted how people interpreted the whole product.

Other labels can create similar effects. Richetin et al. (2022) found that organic labeling could bias judgments of healthiness, even though “organic” concerns production standards rather than automatically proving lower calorie, sugar, sodium, or fat content. This is important because consumers often translate one desirable characteristic into a general judgment: organic becomes healthier, low fat becomes low calorie, or added vitamins become evidence that the entire food is nutritious. Regulation can reduce deception, but it cannot eliminate all cognitive shortcuts. Consumer education should therefore emphasize that claims describe particular attributes and must be read alongside serving size, nutrient quantities, ingredients, and the role the food plays in the overall diet.

The Healthy Claim

The word “healthy” has particular marketing power because it summarizes an overall judgment rather than one nutrient. FDA finalized an updated definition of the “healthy” nutrient-content claim in December 2024 and moved its effective date to April 28, 2025 (FDA, 2025). The updated framework is intended to align the claim more closely with contemporary nutrition science by requiring qualifying foods to contain meaningful amounts of recommended food groups while also meeting limits for saturated fat, sodium, and added sugars. This represents a shift away from an older framework that focused heavily on individual nutrient thresholds.

The change demonstrates why food-label rules cannot remain static. Nutrition science, dietary patterns, and the food supply evolve. Consumers also interpret words differently over time as terms such as “natural,” “clean,” “protein,” and “plant-based” become marketing trends. A regulatory definition can create consistency for one term, but it does not make every other favorable-sounding phrase equivalent. “Natural,” for example, does not mean the same thing as “organic,” and neither term alone provides a complete nutritional evaluation. Consumers benefit when regulated terms have clear meanings, but they still need context to understand what those meanings do—and do not—tell them.

Front-of-Package Labels

Front-of-package labeling is intended to make important nutrition information easier to notice at the point of purchase. Research suggests that design matters. Liao and Li (2023) found that evaluative front-of-package formats can influence healthy-food purchase intentions differently from purely objective formats, while Prates et al. (2022) showed that warning-style information improved consumers’ recognition of excessive nutrients. Yet positive claims can still compete for attention with warning or nutrient information. A bright “high protein” badge may be more emotionally appealing than a less prominent statement about sodium or added sugar.

This creates a design problem as well as a regulatory one. Information must be technically available, but effective consumer protection also asks whether important information is understandable and

salient. Serving size is a good example. A claim may be valid per serving, but consumers who routinely eat two servings need to interpret the nutrient amounts accordingly. Ingredient lists also provide useful context because ingredients are listed by weight, although they do not replace the Nutrition Facts panel. The most reliable approach is to combine the headline claim with quantitative nutrition information rather than allowing one positive statement to dominate the decision.

Health-oriented marketing can be especially influential when products are marketed to children or parents buying for children. Packaging may use cartoon characters, sports themes, school imagery, or claims about energy, growth, vitamins, or breakfast performance. Parents often make rapid decisions under time pressure and may treat a child-oriented health statement as a signal that the product has been broadly evaluated. Research on front-of-package claims has shown that the intended consumer can change how claims are interpreted; parents may respond differently when choosing foods for children than when choosing for themselves.

Responsible marketing should avoid exploiting this trust. A product should not be presented as nutritionally superior merely because one beneficial nutrient has been added or one less desirable nutrient has been reduced. The same principle applies to influencers and social media, where advertising can blend with entertainment and personal recommendation. Sponsorship, endorsements, and digital advertising do not remove the requirement for truthful, adequately substantiated health claims. Consumer protection is strongest when claims remain specific, evidence-based, and proportionate rather than turning one favorable feature into an implied promise about overall health.

A practical evaluation begins by identifying what kind of claim is being made. Is the statement about a nutrient amount, a normal body function, disease-risk reduction, production method, or a general lifestyle impression? The consumer can then compare the claim with the Nutrition Facts panel and ingredient list. If a cereal advertises “no added sugar,” the next questions are how much total sugar it contains, how much fiber and sodium it provides, what the serving size is, and whether the product contains ingredients that fit the consumer’s overall dietary needs. If an advertisement claims a health benefit, the strength and specificity of the evidence matter. Broad promises deserve more evidence than modest statements.

Consumers should also be alert to information that is literally true but nutritionally trivial. Vegetable oils contain no dietary cholesterol because cholesterol is found in animal-derived foods, so emphasizing “cholesterol free” on an oil may tell the shopper less than the saturated-fat profile. A product labeled “made with whole grain” may contain some whole grain without being predominantly whole grain. Marketing is designed to direct attention, while consumer evaluation requires deliberately widening attention again. The strongest protection comes from combining clear regulation, enforceable substantiation standards, transparent labels, and basic nutrition literacy.

Conclusion

Food health claims are valuable when they communicate accurate, relevant information, but they can mislead when consumers interpret one favorable attribute as proof that the entire product is healthy. U.S. regulation distinguishes health claims, nutrient-content claims, and structure/function claims because they make different kinds of statements and require different forms of oversight. FTC advertising principles add another protection by focusing on the overall message and requiring evidence for objective health representations. Recent consumer research shows why these safeguards remain necessary: nutrition and health claims can create health halos that change perceived healthiness and purchase intention even when the claims themselves are technically accurate. The best consumer-protection approach is therefore not to prohibit useful claims but to keep them specific, substantiated, and understandable. Shoppers should treat front-of-package messages as one piece of information and evaluate them alongside serving size, nutrients, ingredients, and the overall dietary pattern. A truthful claim should inform a decision, not substitute for one.

References

Ballco, P., & Gracia, A. (2022). Tackling nutritional and health claims to disentangle their effects on consumer food choices and behaviour: A systematic review. *Food Quality and Preference, 101*, 104634. https://doi.org/10.1016/j.foodqual.2022.104634

Federal Trade Commission. (2022). *Health Products Compliance Guidance*.

Food and Drug Administration. (2024a). *Label claims for conventional foods and dietary supplements*.

Food and Drug Administration. (2025). *FDA finalizes updated "Healthy" nutrient content claim*.

Liao, F., & Li, H. (2023). Which front-of-package nutrition label is better? The influence of front-of-package nutrition label type on consumers' healthy food purchase behavior. *Nutrients, 15*(10), 2326. https://doi.org/10.3390/nu15102326

Prates, S. M. S., Reis, I. A., Rojas, C. F. U., Spinillo, C. G., & Anastácio, L. R. (2022). Influence of nutrition claims on different models of front-of-package nutritional labeling in supposedly healthy foods. *Frontiers in Nutrition, 9*, 921065. https://doi.org/10.3389/fnut.2022.921065

Richetin, J., Caputo, V., Demartini, E., Conner, M., & Perugini, M. (2022). Organic food labels bias food healthiness perceptions. *Appetite, 172*, 105970. https://doi.org/10.1016/j.appet.2022.105970