



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

March 6, 2026

RE: Assembly Bill 899 – Food Safety: Baby Food

To: Manufacturers and Retailers of Baby Food Sold in California

I am issuing this enforcement advisory letter to inform manufacturers and retailers of baby food sold in California of requirements established under California Assembly Bill (A.B.) 899 (2023), codified in Health and Safety Code sections 110962 through 110963. As the chief law enforcement officer of the State of California, the Attorney General has broad authority to enforce California's statutes, including A.B. 899.

A.B. 899 requires each manufacturer of baby food sold or distributed in California to test a representative sample of the manufacturer's final baby food product for arsenic, cadmium, lead, and mercury, and to disclose those test results publicly on its internet website. A.B. 899 also prohibits a person or entity from selling, manufacturing, delivering, holding, or offering for sale in California any baby food that does not comply with the requirements of A.B. 899. (Health & Saf. Code, § 110963.) The text of A.B. 899 can be found at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB899.

Failure to comply with A.B. 899's requirements may constitute a violation of California's Unfair Competition Law, Business and Professions Code section 17200, and other applicable laws. The Attorney General is authorized to bring an enforcement action under the Unfair Competition Law for a failure to comply with A.B. 899, and may seek civil penalties, restitution, and injunctive relief, or pursue criminal liability against the violator. (See, e.g., Bus. & Prof. Code, §§ 17203, 17206.)

I. TESTING REQUIREMENTS

Under A.B. 899, each manufacturer of baby food sold or distributed in California must test a representative sample of each production aggregate of the manufacturer's final baby food product for arsenic, lead, mercury, and cadmium. (Health & Saf. Code, § 110962, subd. (b)(1)(A).) "Baby food" is food packaged in jars, pouches, tubs, and boxes represented or purported to be specifically for babies and young children less than two years of age. (*Id.*, subd. (a)(1).) "Baby food" does not include infant formula, as defined in 21 U.S.C. § 321(z). A "representative sample" is a sample that consists of a number of units that are drawn based on

rational criteria, such as random sampling, and is intended to ensure that the sample accurately portrays the material being sampled. (*Id.*, subd. (a)(8).) A “production aggregate” is a quantity of product intended to have uniform composition, character, and quality, and that is produced according to a master manufacturing order. (*Id.*, subd. (a)(5).) A “final baby food product” means a finished product with a unique universal product code (UPC); it does not refer to an individual unit of a product or to its constituent ingredients. (*Id.*, subd. (a)(2).) A manufacturer can test the representative sample of the final baby food product before packaging individual units of the baby food for sale or distribution, but the manufacturer must test each final baby food product at least once per month. (*Id.*, subds. (b)(1)(A)-(C).) The testing must be conducted at a laboratory that meets the following criteria:

1. The laboratory is accredited under the standards of the International Organization for Standardization/International Electrotechnical Commission 17025:2017 regarding the general requirements for the competence of testing and calibration laboratories.
2. The laboratory uses an analytical method that is at least as sensitive as that described in the U.S. Food and Drug Administration’s (FDA) Elemental Analysis Manual 4.7.
3. The laboratory demonstrates proficiency in quantifying each toxic element¹ to at least six micrograms of the toxic element per kilogram of food through an independent proficiency test. “Proficiency” indicates that the laboratory has achieved a z-score that is less than, or equal to, plus or minus two ($\leq \pm 2$). A “z-score” is the number of standard deviations by which the value of a raw score (i.e., an observed value or data point) is above or below the mean value of what is being observed or measured.

(Health & Saf. Code, § 110962, subds. (b)(1), (c).)

II. DISCLOSURE REQUIREMENTS

Manufacturers that manufacture, deliver, hold, sell, or offer for sale a final baby food product in California after January 1, 2025, must make their testing results publicly available for the duration of the product shelf life plus one month. (Health & Saf. Code, § 110962, subd. (b)(2).) Specifically, the manufacturer must make publicly available on the manufacturer’s internet website the name and level of each toxic element present in each production aggregate of each final baby food product. (*Id.*, subd. (b)(2)(A)(i).) Additionally, the manufacturer must “[p]rovide descriptive information on the internet website to enable accurate identification of the final baby food product by consumers.” (*Id.*, subd. (b)(2)(A)(ii).)

According to the California Department of Public Health, “it is the manufacturer’s responsibility to make the required information available so that consumers can make informed decisions about the purchase of products. Manufacturers must post test results on their internet website and provide descriptive information sufficient to enable accurate identification of the final baby food product by consumers. This descriptive information may include, but is not limited to, product name, UPC, size, lot or batch numbers. This information provides consumers

¹ Under A.B. 899, “toxic elements” means arsenic, cadmium, lead, and mercury. (Health & Saf. Code, § 110962, subd. (a)(9).)

accurate toxic element information present in the baby food products prior to purchasing. This is especially important for consumers who may be purchasing these types of products on-line.” (<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/AB899FAQ.aspx>; accord Health & Saf. Code, § 110962, subd. (b)(2)(A)(ii).)

Additionally, if the baby food product is tested for a toxic element subject to an action level, regulatory limit, or tolerance² established by the FDA pursuant to 21 Code of Federal Regulations part 109, the manufacturer must include the following two items on the product’s label:

1. A quick-response code (QR code) or other machine-readable code that allows consumers to access the manufacturer’s website and view the following information:
 - a) Test results for the toxic element(s); and
 - b) A link to an FDA webpage where consumers can find the most recent FDA guidance and information about the health effects of the toxic element on children.
2. A statement that reads: “For information about toxic element testing on this product, scan the QR code.”

(Health & Saf. Code, § 110962, subd. (B)(2)(b).) Currently, the following products are tested for toxic elements subject to an action level, regulatory limit, or tolerance established by the FDA and, therefore, must have a QR code and a statement on their labels pursuant to A.B. 899:

- Rice cereal
- Apple juice
- Fruits, vegetable (excluding single-ingredient root vegetables), mixtures (including grain- and meat-based mixtures), yogurts, custards/puddings, and single-ingredient meats
- Single-ingredient root vegetables
- Dry infant cereals

(<https://www.cdph.ca.gov/Programs/CEH/DFDCS/Pages/FDBPrograms/FoodSafetyProgram/AB899FAQ.aspx>.) Manufacturers should stay informed regarding action levels, regulatory limits, and tolerances established by the FDA. Information, including links to FDA’s action

² An “action level” is the level of contamination at which a food may be regarded as adulterated under the Federal Food, Drug, and Cosmetic Act. (21 C.F.R. § 109.4(c).) A “regulatory limit” prohibits any detectable amount of an added poisonous or deleterious substance in any food and is established if (1) the substance cannot be avoided by current good manufacturing practices, (2) there is no tolerance for the substance, and (3) there is insufficient information by which a tolerance may be established or technological changes appear reasonably possible that may affect the appropriateness of a tolerance. (21 C.F.R. §§ 109.4(b), 109.6(c).) A “tolerance” prohibits any detectable amount of an added poisonous or deleterious substance in any food and is established if (1) the substance cannot be avoided by good manufacturing practice; (2) the established tolerance is sufficient for the protection of the public health; and (3) no technological or other changes are foreseeable in the near future that might affect the appropriateness of the tolerance established. (21 C.F.R. §§ 109.4(a), 109.6(b).)

levels, can be found at <https://www.fda.gov/food/environmental-contaminants-food/closer-zero-reducing-childhood-exposure-contaminants-foods>.

Retailers and manufacturers should note that A.B. 899 prohibits a person or entity from selling, manufacturing, delivering, holding, or offering for sale in California any baby food that does not comply with the requirements of A.B. 899. (Health & Saf. Code, § 110963.)

III. CONCLUSION

I urge companies to assess their testing and disclosure practices for baby food products and ensure that they are complying with the requirements summarized in this letter. Companies should be aware that, if they fail to comply, they may be subject to enforcement action. If companies have questions about the statute or about this letter, they should direct them to AB899Questions@doj.ca.gov.

Sincerely,



ROB BONTA
Attorney General