Case Closed? First-of-Its-Kind Ultra-Processed Foods Lawsuit Dismissed

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The novel lawsuit brought by a Pennsylvania teenager against a dozen of the world's largest food companies for allegedly selling addictive, ultra-processed foods (UPFs) has now been dismissed, though it may not be the last such challenge that food companies have to fight. The court concluded that the complaint was "woefully deficient" because the teen failed to prove that the foods sold by the defendant food companies caused his injuries.[1] Even though this first attempt to put the food industry on trial has failed, the FDA is currently collecting comments related to developing a uniform definition for UPFs and states continue to pursue new laws targeting UPFs.

What Were the Allegations Against Major Food Companies?

In *Martinez v. Kraft Heinz Company, Inc.,* a Pennsylvania teenager sought to hold several large food companies responsible for allegedly "implementing addiction science techniques" in developing UPFs and utilizing "predatory marketing campaigns" to sell UPFs.[2] These actions, according to the complaint, caused the teen to regularly consume UPFs, culminating in him developing type 2 diabetes and non-alcoholic fatty liver disease at 16 years old.[3] For more information about the complaint, see our April 2025 article in *Food Safety Magazine*, "Ultra-Processed Foods—Running for Cover(age)."

Why did the court grant the motion to dismiss?

The court found the plaintiff's complaint "woefully deficient" for two reasons: (1) lack of causation and (2) insufficient notice to defendants.[4]

A. Causation

To establish causation, a plaintiff must plausibly allege the products are "capable of causing the observed harm, and the substance actually caused the harm suffered by the plaintiff."[5]

According to the court, the plaintiff failed to establish that consumption of UPFs produced by the named manufacturers led to the plaintiff's diagnosis of type 2 diabetes and non-alcoholic fatty liver disease. In particular, the plaintiff did not "allege how often he consumed Defendants' products [or] in what amounts," nor did the plaintiff detail when he ate the UPFs in relation to being diagnosed with type 2 diabetes and non-alcoholic fatty liver disease.[6] In fact, the court noted that the only substantive facts about the plaintiff in the complaint were his age and diagnoses. Based on the lack of information, the court determined that "there are simply not enough facts to suggest the Defendants' products caused Plaintiff's harm," and the plaintiff failed "to plead more than a mere possibility of causation."[7]

The plaintiff also failed to identify the specific products that allegedly led to his diagnoses. For example, the court explained that he "allege[d] he consumed products from the Gerber Brand," but

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the Gerber brand includes "at least 246 products."[8] By naming over 100 brands as defendants, the plaintiff put "thousands of products at issue without any additional information to identify which caused his harm."[9] The court likened this flaw to other cases in which plaintiffs impermissibly sought to "put an industry on trial."[10] Without identifying specific products, the court reasoned, there was no causal connection between the defendant's conduct and the plaintiff's injuries.

Notably, failing to establish causation was also the downfall of *Pelman v. McDonald's*, a similar case filed in 2003 that tried to hold McDonald's liable for contributing to the plaintiff's development of chronic health issues, such as obesity.[11]

B. Insufficient Notice of Claims

Federal Rule of Civil Procedure Rule 8 ("Rule 8") requires a complaint to have enough factual allegations to permit a court to find the defendant liable for the alleged misconduct. Typically, a complaint asserting multiple claims against multiple defendants without specifying the alleged misconduct attributable to each defendant violates Rule 8.[12]

Martinez's failure to identify specific products, according to the court, violated Rule 8, resulting in the defendants having insufficient notice of the claims against them. For instance, the court noted that the plaintiff mentioned certain defendants in only four of 668 paragraphs in the complaint.[13] Instead, the "overwhelming majority" of the complaint discussed the defendants generally, without specifying each defendant's alleged misconduct.[14] This made it "impossible for each Defendant to determine what conduct, design, promotion, sale, or product Plaintiff is referring to," which placed an undue burden on the named defendants.[15] In turn, the plaintiff's lack of specificity resulted in an independent basis for dismissal under Rule 8.[16]

Next Steps in UPF Regulation

UPFs remain in the spotlight outside of the courtroom. While the new administration continues its focus on the potential health concerns associated with UPFs, new regulatory actions surrounding UPFs have not been announced. However, there are several pending action items relating to UPFs at the state and federal level. Food manufacturers and marketers should continue to monitor changes in federal and state regulation of UPFs to ensure all current and future products comply with any new requirements. We will continue to provide updates as more developments in UPF regulation become available.

FDA Request for Information: On July 25, 2025, FDA and USDA posted a Request for Information ("RFI") to develop a uniform definition for UPFs.[17] According to the RFI, the agencies plan to use the uniform definition to allow for consistency in research and policy, paving the way for addressing health concerns associated with UPFs. The deadline for comments is currently Sept. 23, 2025, however, some industry leaders have requested a 60-day extension.[18]

2025-2030 Dietary Guidelines: The USDA is currently reviewing the 2025 Dietary Guidelines Advisory Committee's Scientific Report ahead of its deadline for the 2025-2030 Dietary Guidelines.[19] HHS and USDA committed to meeting the Dec. 31, 2025, statutory deadline for the

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new guidelines.[20]

The Second Make America Health Again Report: The Make America Health Again ("MAHA") Commission released its first MAHA Report on May 16, 2025. The report assessed the causes of deteriorating child health, which included UPFs as a potential driver behind rising childhood chronic illness.[21] The second MAHA Report—which will detail the MAHA Commission's strategy for addressing childhood illness—is expected to be published soon.

State Legislation: States have also announced legislation concerning UPFs. For example, the California legislature is currently considering Assembly Bill 1264, which would prohibit school districts from offering certain UPFs as part of the California Universal Meals Program.[22] If passed, the bill would become effective in 2035.

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[1]Martinez v. Kraft Heinz Company, Inc., 2:25-cv-0377 at *3 (E.D. Pa. Aug. 25, 2025).
[2]Compl. Martinez v. Kraft Heinz Company, Inc., No. 241201154 (Phila. Ct. C.P. Feb. 10, 2024) [hereinafter *Complaint*]
[3]*Id.* at *10-11.
[4]Martinez v. Kraft Heinz Company, Inc., 2:25-cv-0377 at *3 (E.D. Pa. Aug. 25, 2025).
[5]*Id.*
[6]*Id.*
[7]*Id.* at *4.
[8]*Id.* at *5.
[9]Prepared by Suzie Trigg and Luke Nguyen of Haynes Boone on September 8, 2025. *Martinez v. Kraft Heinz Company, Inc.*, 2:25-cv-0377 at *5 (E.D. Pa. Aug. 25, 2025).
[10]*Id.* (citing Klein v. Council of Chemical Ass'ns, 587 F. Supp. 213, 222 (E.D. Pa. 1984)).
[11]Pelman v. McDonald's Corp., 237 F. Supp. 2d 512, 542 (S.D.N.Y. 2003).
[12]Martinez v. Kraft Heinz Company, Inc., 2:25-cv-0377 at *6 (E.D. Pa. Aug. 25, 2025).
[13]*Id.* at *6.
[14]*Id.*
[15]*Id.* at *6.
[16]*Id.* at *7.
[17]90 Fed. Reg. 35305 (July 25, 2025).
[18]Request for Extension of Comment Period, Ultra-Processed Foods; Request for Information (Aug. 28, 2025).
[19]Press Release, *USDA, HHS Share Update on Dietary Guidelines for Americans Process* (March 11, 2025).
[20]*Id.*
[21]MAHA Commission, THE MAHA REPORT 5 (May 16, 2025).
[22]Cal. Assembly Bill 1264 (2025).

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