

Proposed UPF Definition Inches Forward as a White Paper

By Suzie Trigg, Luke Nguyen | August 14, 2026

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On Aug. 10, 2026, instead of announcing an anticipated definition of ultra-processed food (UPF), the Department of Health and Human Services (HHS) announced the submission of a white paper proposing a uniform definition of UPF.¹ HHS officially submitted the white paper to the Office of Information and Regulatory Affairs for final review on Aug. 3, 2026. The proposed definition incorporates input received from thousands of stakeholders in response to HHS, FDA and USDA's Request for Information posted on July 25, 2025.² According to HHS, the white paper will provide a standard definition for UPFs, the absence of which has "limited research consistency across the federal government."³ The initial announcement did not provide insight into the substance of the definition.

In recent months, plaintiffs filed a string of lawsuits against food manufacturers for allegedly selling addictive and harmful UPFs. The lawsuits largely replicate the claims in *Martinez v. Kraft-Heinz*, alleging, in part, that UPF manufacturers engaged in deceptive marketing and negligently failed to warn consumers about the risks associated with UPFs, resulting in harm to the plaintiffs.⁴ For more information about the initial *Martinez* complaint, see our April 2025 article in *Food Safety Magazine*, "[Ultra-Processed Foods – Running for Cover\(age\)](#)."

The key issue in the cases remains whether consumers can prove causation. Notably, on July 20, 2026, the Eastern District of Pennsylvania dismissed the amended complaint in *Martinez v. Kraft-Heinz* with prejudice, holding that the plaintiff failed to establish that the UPFs caused the plaintiff's harm (in this case, type 2 diabetes and nonalcoholic fatty liver disease).⁵ In particular, the court explained that while the plaintiff alleges an increased risk of type 2 diabetes and nonalcoholic fatty liver disease, "allegations of increased risk, biological plausibility, and association do not show that any particular product . . . actually caused Martinez's diagnoses."⁶ Pending litigation is likely to face a similar uphill battle in proving causation.

Consumers are not the only plaintiffs targeting UPF manufacturers. In Dec. 2025, San Francisco became the first city to sue UPF manufacturers, alleging violations of California's Unfair Competition Law, as well as a common law public nuisance claim.⁷ The case was recently remanded to California state court, where it remains pending.

Once released, the proposed definition may be not only referenced in the UPF litigation, but used by HHS, FDA and USDA when refining food and nutrition regulations and policies, a matter which continues to irk industry stakeholders that market products lawfully. In addition, the impending release of the white paper promises to keep UPFs in the spotlight in the near term.

¹ Press Release, Secretary Kennedy Announces Landmark Food Policy Reforms to Advance President Trump's MAHA Agenda, HHS (Aug. 10, 2026).

² 90 Fed. Reg. 35305, *Ultra-Processed Foods; Request for Information* (July 25, 2025).

³ Press Release, Secretary Kennedy Announces Landmark Food Policy Reforms to Advance President Trump's MAHA Agenda, HHS (Aug. 10, 2026).

⁴ See, e.g., *Compl.* Muthusami v. Kraft-Heinz Company, Inc., 6:26-CV-00113 (M.D. Fla. Jan. 16, 2026).

⁵ *Martinez v. Kraft-Heinz Company, Inc.*, 2026 WL 1878602, at *5-6 (E.D. Pa. June 30, 2026).

⁶ *Id.* at *6.

⁷ *Compl.* People v. Kraft-Heinz Company, Inc., CGC-25-631189 (Cal. Super. Ct. Dec. 2, 2025).